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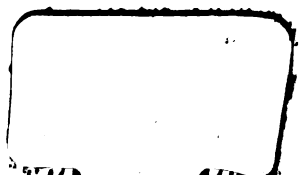
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WINDSOR CASTLE AND TOWN APPROACHES IMPROVEMENT

PUBLISHED

BY J. H. STUBBS

WINDSOR CASTLE AND TOWN APPROACHES IMPROVEMENT
AND REMOVAL OF DARTMOUTH BRIDGE

Session

1845-46—22nd Feb 1846

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1845

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PUBLIC:

FOUR VOLUMES.

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TO

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AND REMOVAL OF DATCHET BRIDGE.

Session

19 *January* — 23 *July* 1847.

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10° & 11° VICT.

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Royal Assent.

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II. AN ACT to allow, until the First Day of *September* One thousand eight hundred and Forty-seven, the Importation of Corn from any Country in Foreign }
Ships - - - - - } (26 January.)

III. AN ACT to suspend, until the First Day of *September* One thousand eight hundred and Forty-seven, the Duties on the Importation of Buck Wheat, Buck Wheat Meal, Maize or *Indian* Corn, *Indian* Corn Meal and Rice - - - (23 February.)

IV. AN ACT for abolishing Poundage on *Chelsea* Pensions - (23 February.)

V. AN ACT to allow the Use of Sugar in the brewing of Beer - (23 February.)

VI. AN ACT to further encourage the Distillation of Spirits from Sugar in the United Kingdom - - - - - (23 February.)

VII. AN ACT for the temporary Relief of Destitute Persons in }
Ireland - - - - - } (26 February.)

VIII. AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and Forty-seven (18 March.)

IX. AN ACT for raising the Sum of Eight Millions by way of }
Annuities - - - - - } (18 March.)

X. AN ACT to render valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings - - - - - (18 March.)

XI. AN ACT to explain and amend the Act authorizing the Advance of Money for the Improvement of Land by Drainage in *Great Britain* - - - (30 March.)

XII. AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - (23 April.)

XIII. AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - (23 April.)

XIV. AN ACT for consolidating in One Act certain Provisions usually contained in Acts for constructing or regulating Markets and Fairs - - - (23 April.)

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XVI. AN ACT for consolidating in One Act certain Provisions usually contained in Acts with respect to the Constitution and Regulation of Bodies of Commissioners appointed for carrying on Undertakings of a public Nature - - - (23 April.)

XVII. AN ACT for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns }
with Water - - - - - } (23 April.)

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XIX. AN ACT for raising the Sum of Eighteen Millions Three Hundred and Ten Thousand Seven Hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and Forty-seven - - - - -	(23 April.)
XX. AN ACT to authorize the Application of certain Sums received on account of the Fees payable to the Office of Director in Chancery in <i>Scotland</i> towards the Payment of Debts incurred in completing the General Register House at <i>Edin-</i> <i>burgh</i> - - - - -	(23 April.)
XXI. AN ACT to regulate the Stations of Soldiers during Parlia- mentary Elections - - - - -	(23 April.)
XXII. AN ACT to amend and continue until the First Day of <i>November</i> One thousand eight hundred and Forty-seven, and to the End of the then next Session of Parliament, an Act for making Provision for the Treatment of poor Persons afflicted with Fever in <i>Ireland</i> - - - - -	(27 April.)
XXIII. AN ACT to alter certain Duties of Customs - - - - -	(11 May.)
XXIV. AN ACT to empower the Commissioners of Her Majesty's Woods to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the <i>Isle of Portland</i> , in the County of <i>Dorset</i> - - - - -	(11 May.)
XXV. AN ACT to authorize the Inclosure of certain Lands, in pursuance of the Second Report of the Inclosure Commissioners for <i>England</i> and <i>Wales</i> - - - - -	(11 May.)
XXVI. AN ACT for enabling the Commissioners of Public Works in <i>Ireland</i> to purchase Land for Prisons in <i>Ireland</i> - - - - -	(11 May.)
XXVII. AN ACT for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks and } Piers - - - - -	(11 May.)
XXVIII. AN ACT to amend the Acts relating to County Buildings - - - - -	(8 June.)
XXIX. AN ACT to limit the Hours of Labour of young Persons and Females in Factories - - - - -	(8 June.)
XXX. AN ACT for extending the Period of Service of Boys in Her Majesty's Navy - - - - -	(8 June.)
XXXI. AN ACT to make further Provision for the Relief of the destitute Poor in <i>Ireland</i> - - - - -	(8 June.)
XXXII. AN ACT to facilitate the Improvement of Landed Pro- perty in <i>Ireland</i> - - - - -	(8 June.)
XXXIII. AN ACT to amend the Laws relating to the Removal of poor Persons from <i>England</i> and <i>Scotland</i> - - - - -	(21 June.)
XXXIV. AN ACT for consolidating in One Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting and improving Towns - - - - -	(21 June.)
XXXV. AN ACT to continue until the Thirty-first Day of <i>July</i> One thousand eight hundred and Forty-eight, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in <i>Ireland</i> - - - - -	(21 June.)
XXXVI. AN ACT for allowing the Subscriptions to the Loan of Eight Millions raised in the Year One thousand eight hundred and Forty-seven to be paid } up under Discount - - - - -	(21 June.)
XXXVII. AN ACT for limiting the Time of Service in the Army - - - - -	(21 June.)
XXXVIII. AN ACT to facilitate the Drainage of Lands in <i>Eng-</i> <i>land</i> and <i>Wales</i> - - - - -	(21 June.)
XXXIX. AN ACT to amend an Act to enable Burghs in <i>Scotland</i> to establish a general System of Police, and another Act for providing for the Appointment and Election of Magistrates and Councillors for certain Burghs and Towns of <i>Scotland</i> - - - - -	(21 June.)
XL. AN ACT to continue until the Thirty-first Day of <i>July</i> One thousand eight hundred and Forty-eight, and to the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of Her present Majesty, for amending the Law relative to private Lunatic Asylums in <i>Ireland</i> - - - - -	(21 June.)
XLI. AN ACT to continue until the Thirty-first day of <i>July</i> One thousand eight hundred and Forty-eight, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures - - - - -	(25 June.)
XLII. AN ACT to transfer the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages and Railway Passengers from the Commissioners of Stamps and Taxes to the Commissioners of Excise - - - - -	(25 June.)

- CAP. Royal Assent.
- XLIII. AN ACT for the Amendment of the Laws relating to the Provision and Regulation of Lunatic Asylums for Counties and Boroughs in *England* - (25 June.)
- XLIV. AN ACT to render permanent certain Parts of the Act for amending the Constitution of the Government of *Newfoundland* - - - - - (25 June.)
- XLV. AN ACT to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Prisoners from the several Gaols in *Ireland* in Cases of epidemic Diseases - - - - - (25 June.)
- XLVI. AN ACT to facilitate the temporary Investment of Trust Monies in the Improvement of Landed Property in *Ireland* - - - - - (25 June.)
- XLVII. AN ACT to amend the Law and Practice in *Scotland* as to the Service of Heirs - - - - - (25 June.)
- XLVIII. AN ACT to facilitate the Transference of Lands and other Heritages in *Scotland* not held in Burgage Tenure - - - - - (25 June.)
- XLIX. AN ACT to facilitate the Transference of Lands and other Heritages in *Scotland* held in Burgage Tenure - - - - - (25 June.)
- L. AN ACT to facilitate the Constitution and Transmission of Heritable Securities for Debt in *Scotland*, and to render the same more effectual for the Recovery of Debts - - - - - } (25 June.)
- LI. AN ACT to amend the Practice in *Scotland* with regard to Crown Charters and Precepts from Chancery - - - - - (25 June.)
- LII. AN ACT for the Correction of certain Abuses which have frequently prevailed at the Elections of Representative Peers for *Scotland* - - - - - (25 June.)
- LIII. AN ACT to continue until the First Day of *October* One thousand eight hundred and Forty-eight, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies - - - - - (25 June.)
- LIV. AN ACT to amend the Acts for rendering effective the Service of the *Chelsea* and *Greenwich* Out-Pensioners - - - - - (25 June.)
- LV. AN ACT to authorize a further Advance of Money for the Relief of destitute Persons in *Ireland* - - - - - (25 June.)
- LVI. AN ACT to make legal the Collection of certain Duties at }
Port Natal - - - - - } (25 June.)
- LVII. AN ACT to amend an Act passed in the Sixth Year of the Reign of His Majesty King GEORGE the Fourth, for granting certain Powers and Authorities to the *Van Diemen's Land* Company - - - - - (25 June.)
- LVIII. AN ACT to remove Doubts as to Quakers' and Jews' Marriages solemnized before certain Periods - - - - - (2 July.)
- LIX. AN ACT for amending an Act, intituled, "An Act for amending, explaining and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels and Forces by Sea" - - - - - (2 July.)
- LX. AN ACT to abolish One of the Offices of Master in Ordinary of the High Court of Chancery - - - - - (2 July.)
- LXI. AN ACT to amend the Act for the Establishment of public Baths and Wash-houses - - - - - (2 July.)
- LXII. AN ACT for the Establishment of Naval Prisons, and for the Prevention of Desertion from Her Majesty's Navy - - - - - (2 July.)
- LXIII. AN ACT for limiting the Time of Service in the Royal }
Marine Forces - - - - - } (2 July.)
- LXIV. AN ACT to suspend until the First Day of *March* One thousand eight hundred and Forty-eight the Duties on the Importation of Corn, Maize, Rice, Grain, Meal, Flour, Biscuit and certain other similar Articles - - - - - (9 July.)
- LXV. AN ACT for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Cemeteries - - - - - (9 July.)
- LXVI. AN ACT for extending the Provisions of the Law respecting Threatening Letters and accusing Parties with a view to extort Money - - - - - (9 July.)
- LXVII. AN ACT to amend the Law as to the Custody of Offenders (9 July.)
- LXVIII. AN ACT to suspend until the First Day of *October* One thousand eight hundred and Forty-eight the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom - - - - - (22 July.)

CAP.	Royal Assent.
LXIX. AN ACT for the more effectual Taxation of Costs on Private Bills in the House of Commons - - - - -	(22 July.)
LXX. AN ACT to amend the Law as to the School Attendance of Children employed in Print Works - - - - -	(22 July.)
LXXI. AN ACT to authorize Her Majesty to assent to a certain Bill of the Legislative Council and Assembly of the Province of <i>Canada</i> for granting a Civil List to Her Majesty; and to repeal certain Parts of an Act for re-uniting the Provinces of <i>Upper</i> and <i>Lower Canada</i> , and for the Government of <i>Canada</i> - - - - -	(22 July.)
LXXII. AN ACT for the further Amendment of the Laws relating to Turnpike Roads in <i>South Wales</i> - - - - -	(22 July.)
LXXIII. AN ACT to authorize the Advance of Money out of the Consolidated Fund for Loans towards defraying the Expense of making certain Rail-ways in <i>Ireland</i> - - - - -	(22 July.)
LXXIV. AN ACT to provide for the Repayment of Sums due by the County of the City of <i>Limerick</i> for Advances of Public Money for the Improvement of the Navigation of the River <i>Shannon</i> - - - - -	(22 July.)
LXXV. AN ACT for the further Improvement of the Fishery Piers and Harbours of <i>Ireland</i> - - - - -	(22 July.)
LXXVI. AN ACT to empower the Commissioners of Her Majesty's Woods to purchase Lands for the Purpose of a Harbour of Refuge at or near <i>Holyhead</i> , in the County of <i>Anglesea</i> - - - - -	(22 July.)
LXXVII. AN ACT to continue until the First Day of <i>October</i> One thousand eight hundred and Forty-eight, and to the End of the then next Session of Parliament, the Exemption of Inhabitants of Parishes, Townships and Villages from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor - - - - -	(22 July.)
LXXVIII. AN ACT to amend an Act for the Registration, Incorporation and Regulation of Joint Stock Companies - - - - -	(22 July.)
LXXIX. AN ACT to continue for a limited Time the Provisions for summary Proceedings contained in an Act of the last Session to amend the Acts for promoting the Drainage of Lands, and for other Purposes; and to amend the said Act - - - - -	(22 July.)
LXXX. AN ACT to amend an Act of the last Session, for facilitating the Employment of the labouring Poor in the distressed Districts in <i>Ireland</i> , so far as relates to Compensation for Damages - - - - -	(22 July.)
LXXXI. AN ACT to limit the Time for taking the Poll at Elections of Members to serve in Parliament for Counties of Cities, Counties of Towns, and Boroughs in <i>Ireland</i> - - - - -	(22 July.)
LXXXII. AN ACT for the more speedy Trial and Punishment of Juvenile Offenders - - - - -	(22 July.)
XXXIII. AN ACT for the Naturalization of Aliens - - - - -	(22 July.)
LXXXIV. AN ACT to make Provision for the Punishment of Vagrants and Persons offending against the Laws in force for the Relief of the destitute Poor in <i>Ireland</i> - - - - -	(22 July.)
LXXXV. AN ACT for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office - - - - -	(22 July.)
LXXXVI. AN ACT to allow until the First Day of <i>March</i> One thousand eight hundred and Forty-eight, the Importation of Corn, Maize, Rice, Grain, Potatoes, Meal, Flour, Biscuit, and certain other similar Articles, from any Country, in any Ships - - - - -	(22 July.)
LXXXVII. AN ACT to facilitate the Recovery of Public Monies advanced for the Relief of Distress in <i>Ireland</i> by the Employment of the labouring Poor - - - - -	(22 July.)
LXXXVIII. AN ACT to defray until the First Day of <i>August</i> One thousand eight hundred and Forty-eight the Charge of the Pay, Clothing and contingent and other Expenses of the Disembodied Militia in <i>Great Britain</i> and <i>Ireland</i> ; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - -	(22 July.)
LXXXIX. AN ACT for consolidating in One Act certain Provisions usually contained in Acts for regulating the Police of Towns - - - - -	(22 July.)
XC. AN ACT to provide for the Execution of the Laws for Relief of the Poor in <i>Ireland</i> - - - - -	(22 July.)

CAP.

Royal Assent.

XCI. AN ACT to increase the Number of Trustees for the Herring Fishery, and to direct the Application of the Funds granted for the Promotion of Manufactures and Improvements, in *Scotland* - - - - - (22 July.)

XCII. AN ACT for the Protection of Mussel Fisheries in *Scotland* (22 July.)

XCI. AN ACT to continue until the First Day of *October* One thousand eight hundred and Forty-eight, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads - - - (22 July.)

XCIV. AN ACT to amend an Act to enable Canal Companies to become Carriers upon their Canals - - - - - (22 July.)

XCV. AN ACT to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom - - - - - (22 July.)

XCVI. AN ACT for better securing Trust Funds, and for the }
Relief of Trustees - - - - - } (22 July.)

XCVII. AN ACT for the Discontinuance of the Attendance of the Masters in Ordinary of the High Court of Chancery in the Public Office, and for transferring the Business of such Public Office to the Affidavit Office in Chancery - - - (22 July.)

XCVIII. AN ACT to amend the Law as to Ecclesiastical Juris- }
diction in *England* - - - - - } (22 July.)

XCIX. AN ACT to authorize a further Advance of Money for the Relief of Destitute Persons in *Ireland* - - - - - (22 July.)

C. AN ACT to regulate the Superannuation Allowances of the Constabulary Force in *Ireland* and the *Dublin* Metropolitan Police - - - - - (22 July.)

CI. AN ACT to continue the Copyhold Commission until the First Day of *October* One thousand eight hundred and Fifty, and to the End of the then next Session of Parliament - - - - - (22 July.)

CII. AN ACT to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Courts of Bankruptcy and Court for Relief of Insolvent Debtors - - - - - (22 July.)

CIII. AN ACT to amend the Passengers' Act, and to make further Provision for the Carriage of Passengers by Sea - - - - - (22 July.)

CIV. AN ACT to explain the Acts for the Commutation of Tithes in *England* and *Wales*, and to continue the Officers appointed under the said Acts until the First Day of *October* One thousand eight hundred and Fifty, and to the End of the then next Session of Parliament - - - - - (22 July.)

CV. AN ACT to continue until the First Day of *October* One thousand eight hundred and Forty-eight, and to the End of the then next Session of Parliament, certain Turnpike Acts - - - - - (22 July.)

CVI. AN ACT to provide additional Funds for Loans for Drainage and other Works of public Utility in *Ireland*, and to repeal an Act of the last Session for authorizing a further Issue of Money in aid of Public Works of acknowledged Utility - - (22 July.)

CVII. AN ACT to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and Forty-seven; and to appropriate the Supplies granted in this Session of Parliament - - - (23 July.)

CVIII. AN ACT for establishing the Bishoprick of *Manchester*, and amending certain Acts relating to the Ecclesiastical Commissioners for *England* - - - (23 July.)

CIX. AN ACT for the Administration of the Laws for Relief of }
the Poor in *England* - - - - - } (23 July.)

CX. AN ACT to amend the Laws relating to the Removal of the Poor, until the First Day of *October* One thousand eight hundred and Forty-eight - - - (23 July.)

CXI. AN ACT to extend the Provisions of the Act for the Inclosure and Improvement of Commons - - - - - (23 July.)

CXII. AN ACT to promote Colonization in *New Zealand*, and to authorize a Loan to the *New Zealand* Company - - - - - (23 July.)

CXIII. AN ACT to facilitate the Drainage of Lands in *Scotland* (23 July.)

CXIV. AN ACT for improving the Harbour and Docks of *Leith* (23 July.)

CXV. AN ACT to vary the Priorities of the Charges made on "The *London Bridge* Approaches Fund" - - - - - (23 July.)

I N D E X

TO THE

PUBLIC GENERAL ACTS, 10° & 11° VICT., SESS. 1847.

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM ;

VIZ.

(E.) <i>signifies that the Act</i> <i>relates to</i>	}	ENGLAND (and WALES, if the subject extends so far).
(S.) - - -	-	SCOTLAND.
(I.) - - -	-	IRELAND.
(W.) - - -	-	WALES.
(E. & I.) - -	-	ENGLAND AND IRELAND.
(G. B.) - -	-	GREAT BRITAIN.
(G. B. & I.) -	-	GREAT BRITAIN AND IRELAND.
(U. K.) - -	-	THE WHOLE OF THE UNITED KINGDOM.

A.

Cap.

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——— allowing the Subscriptions to, to be paid up under Discount	(U. K.)	36.
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——— limiting the Time of Service in - - - - -	(U. K.)	37.

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Barley (Pot or Hulled), to suspend until 1st March 1848 the Duties on the Importation of - - - - - }	(U. K.)	64.
——— to allow until 1st March 1848 the Importation of, from any Country in any Ships - - - - - }	(U. K.)	86.
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Beer, to allow the Use of Sugar in Brewing - - - - -	(U. K.)	5.
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Biscuit, to suspend until 1st March 1848 the Duties on the Impor- tation of - - - - - }	(U. K.)	64.
——— to allow until 1st March 1848 the Importation of, from any Country in any Ships - - - - - }	(U. K.)	86.
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Boys in Her Majesty's Navy, for extending the Period of Service of -	(U. K.)	30.

Brewing from Sugar, to allow - - - - -	(U. K.)	^{Cap.} 5.
Buck Wheat and Buck Wheat Meal, to suspend until 1st September 1847 } the Duties on the Importation of - - - - - }	(U. K.)	3.
----- to suspend until 1st March 1848 the Duties on the Impor- } tation of - - - - - }	(U. K.)	64.
----- to allow until 1st March 1848 the Importation of, from any } Country in any Ships - - - - - }	(U. K.)	86.
Burgage Tenure, to facilitate the Transference of Lands and other } Heritages not held in - - - - - }	(S.)	48.
----- to facilitate the Transference of Lands and other Heritages held in	(S.)	49.
Burgh Police; amending 3 & 4 Will. 4, c. 46, to enable Burghs to } establish a General System of Police; and amending 3 & 4 Will. 4, } c. 77, for providing for the Appointment and Election of Magistrates } and Councillors for certain Burghs and Towns - - - - - }	(S.)	39.

C.

Canada, to authorize Her Majesty to assent to a certain Bill of the Legis- } lative Council and Assembly of the Province of, for granting a Civil } List to Her Majesty; and to repeal certain Parts of 3 & 4 Vict., c. 35, } for re-uniting the Provinces of Upper and Lower Canada, and for the } Government of Canada - - - - - }	(U. K.)	71.
Canal Companies; to amend 8 & 9 Vict., c. 42, to enable them to become } Carriers upon their Canals - - - - - }	(G. B. & I.)	94.
Cemeteries, for consolidating into One Act certain Provisions usually } contained in Acts authorizing the making of - - - - - }	(E. & I.)	65.
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----- to abolish One of the Offices of Master in Ordinary of the } High Court of - - - - - }	(E.)	60.
----- for the Discontinuance of the Attendance of the Masters in } Ordinary of the High Court of, in the Public Office, and for transferring } the Business of such Public Office to the Affidavit Office in Chancery }	(E.)	97.
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Chelsea Out-Pensioners, amending the Acts for rendering effective the } Service of - - - - - }	(U. K.)	54.
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Commons, House of, for the more effectual Taxation of Costs on Private } Bills in - - - - - }	(G. B. & I.)	69.
Commutation of Tithes, to explain the Acts for, and to continue the } Officers appointed under the said Acts until 1st October 1850 - - - }	(E.)	104.
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----- to authorize the Advance of Money out of, for Loans towards } defraying the Expense of making certain Railways - - - - - }	(I.)	73.

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— to allow until 1st September 1847 the Importation of, from any Country in Foreign Ships - - - - -	(U. K.)	2.
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Crown Charters, to amend the Practice with regard to - - - - -	(S.)	51.
Custody of Offenders, amending 5 Geo. 4, c. 84, as to - - - - -	(G. B. & I.)	67.
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— to amend 9 & 10 Vict., c. 107, for facilitating the Employment of the labouring Poor in distressed Districts, so far as relates to Compensation for Damages - - - - -	(I.)	80.
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E.

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F.

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—— to allow until 1st September 1847 the Importation of, from any } Country in Foreign Ships - - - - - }	(U. K.)	2.
—— to allow until 1st March 1848 the Importation of, from any } Country in any Ships - - - - - }	(U. K.)	86.
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G.

Gaols, to authorize for One Year the Removal of Prisoners from, in cases } of epidemic Diseases - - - - - }	(I.)	45.
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—— to allow until 1st March 1848 the Importation of, from any Country in any Ships - - - - -	(U. K.) 86.
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H.

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I.

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Indian Corn, to allow until 1st March 1848 the Importation of, from any Country in any Ships - - - - -	Cap. (U. K.) 86.
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L.

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London Bridge Approaches Fund, to vary the Priorities of the Charges made on - - - - -	(E.) 115.
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M.

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Maize, to suspend until 1st September 1847 the Duties on the Importation of - - - - -	Cap. (U. K.) 3.
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Manchester, for establishing the Bishoprick of - - - - -	(E.) 108.
Mandioca Flour, to suspend until 1st March 1848 the Duties on the Importation of - - - - -	(U. K.) 64.
— to allow until 1st March 1848 the Importation of, from any Country in any Ships - - - - -	(U. K.) 86.
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— to suspend until 1st March 1848 the Duties on the Importation of - - - - -	(U. K.) 64.
— to allow until 1st September 1847 the Importation of, from any Country in Foreign Ships - - - - -	(U. K.) 2.
— to allow until 1st March 1848 the Importation of, from any Country, in any Ships - - - - -	(U. K.) 86.
Metropolitan Police (Dublin), to regulate the Superannuation Allowances of - - - - -	(I.) 100.
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P.

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Peers, Representative, for the Correction of certain Abuses which have frequently prevailed at the Election of - - - - -	(S.)	52.
Pensioners, to amend the Acts for rendering effective the Service of Chelsea and Greenwich Out-Pensioners - - - - -	(U. K.)	54.
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Police, amending 3 & 4 Will. 4, c. 46, to enable Burghs to establish a general System of - - - - -	(S.)	39.
— (Dublin), to regulate Superannuation Allowances of - - -	(I.)	100.
— of Towns, for consolidating in One Act certain Provisions usually contained in Acts for regulating - - - - -	(E. & I.)	89.
Polling at Elections, limiting the Time for, in Counties of Cities, Counties of Towns and Boroughs - - - - -	(I.)	81.
Poor, for the temporary Relief of - - - - -	(I.)	7.
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— to make further Provision for the Relief of the Destitute - -	(I.)	31.
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— to authorize a further Advance of Money for the Relief of - -	(I.) 55. (I.) 99.	
— for the Punishment of Persons offending against the Laws for the Relief of - - - - -	(I.)	84.
— to facilitate the Recovery of Public Monies advanced for the Relief of Distress, by the Employment of the Labouring Poor - -	(I.)	87.
— to provide for the Execution of the Laws for the Relief of - -	(I.)	90.
— to amend, and continue until 1st November 1847, 9 & 10 Vict. c. 6, for making Provision for the Treatment of Poor Persons afflicted with Fever - - - - -	(I.)	22.
— for the Administration of the Laws for the Relief of - - -	(E.)	109.
— to amend the Laws relating to the Removal of, until 1 October 1848 - - - - -	(E.)	110.
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Port Natal, to make legal the Collection of certain Duties at - - -	(U. K.)	56.
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Potatoes, to allow until 1st September 1847 the Importation of, from any } Country in Foreign Ships - - - - - }	(U. K.) 2.
——— to allow until 1st March 1848 the Importation of, from any } Country in any Ships - - - - - }	(U. K.) 86.
Poundage on Chelsea Pensions, abolishing - - - - -	(U. K.) 4.
Precepts from Chancery, to amend the Practice with regard to - -	(S.) 51.
Print Works, to amend the Law as to the School Attendance of Children } employed in - - - - - }	(G. B. & I.) 70.
Prisoners, authorizing for One Year the Removal of, from the several } Gaols in Cases of Epidemic Diseases - - - - - }	(I.) 45.
Prisons, enabling the Commissioners of Public Works to purchase Land } for - - - - - }	(I.) 26.
——— (Naval), for the Establishment of - - - - -	(U. K.) 62.
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Public Monies advanced for the Relief of Distress, to facilitate the } Recovery of - - - - - }	(I.) 87.
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Q.

Quakers Marriages solemnized before certain Periods, to remove Doubts } as to - - - - - }	(E. & I.) 58.
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R.

Railway Passengers, to transfer the Collection and Management of the } Duties in respect of, from the Commissioners of Stamps and Taxes to } the Commissioners of Excise - - - - - }	(G. B.) 42.
Railways, to authorize the Advance of Money out of the Consolidated } Fund for Loans towards defraying the Expense of making certain - }	(I.) 73.
Recovery of Public Monies advanced for the Relief of Distress, to faci- } litate - - - - - }	(I.) 87.
Register House (General) at Edinburgh, to authorize the Bpplication of } certain Sums received on account of the Fees payable to the Office of } Director in Chancery towards the Payment of Debts incurred in com- } pleting - - - - - }	(S.) 20.
Relief of Distress. <i>See</i> Poor.	
Removal of Poor. <i>See</i> Poor.	
Removal of Prisoners. <i>See</i> Prisoners.	
Representative Peers, for the Correction of certain Abuses which have } frequently prevailed at the Election of - - - - - }	(S.) 52.
Review, Court of, abolishing - - - - -	(E.) 102.
Rice, to allow until 1st September 1847 the Importation of, from any } Country in Foreign Ships - - - - - }	(U. K.) 2.
—— to allow until 1st March 1848 the Importation of, from any Country } in any Ships - - - - - }	(U. K.) 86.
—— to suspend until 1st Setpember 1847 the Duties on the Impor- } tation of - - - - - }	(U. K.) 3.
—— to suspend until 1st March 1848 the Duties on the Importation of	(U. K.) 64.
Royal Marines, annual Act for Regulation of, while on Shore - -	(U. K.) 12.
——— limiting the Time of Service in the - - - - -	(U. K.) 63.

S.

School Attendance of Children employed in Print Works, to the amend the Law as to - - - - -	(G. B. & I.)	<i>Cap.</i> 70.
Service of Boys in Her Majesty's Navy, extending the Period of - -	(U. K.)	30.
Service in the Army, limiting the Period of - - - - -	(U. K.)	37.
Service in the Marines, limiting the Time of - - - - -	(U. K.)	63.
Service of Heirs, to amend the Law and Practice as to - - - -	(S.)	47.
Shannon Navigation, to provide for the Repayment of Sums due by the County of the City of Limerick for Advances of Public Money for the Improvement of - - - - -	(I.)	74.
Ship Biscuit, to suspend until 1st March 1848 the Duties on the Impor- tation of - - - - -	(U. K.)	64.
----- to allow until 1st March 1848 the Importation of, from any Country in any Ships - - - - -	(U. K.)	86.
Ships, Vessels, and Forces by Sea, for amending 22 Geo. 2, c. 33, for amending, &c., the Laws relating to the Government of His Majesty's	(U. K.)	59.
Soap used in Manufactures, to continue until the 31st July 1848 certain Allowances of the Excise Duty on - - - - -	(G. B. & I.)	41.
Soldiers, to regulate the Stations of, during Parliamentary Elections -	(G. B.)	21.
----- See Army.		
Spirits, to further encourage the Distillation of, from Sugar - - -	(U. K.)	6.
Stage Carriages, to transfer the Collection and Management of the Duty in respect of, from the Commissioners of Stamps and Taxes to the Commissioners of Excise - - - - -	(G. B.)	42.
Stamps and Taxes (Commissioners of), to transfer from, to the Commis- sioners of Excise the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages and Railway Pas- sengers - - - - -	(G. B.)	42.
Stock in Trade Exemption, to continue until 1st October 1848 - -	(E.)	77.
Sugar, to allow the Use of, in brewing Beer - - - - -	(U. K.)	5.
----- to further encourage the Distillation of Spirits from - - -	(U. K.)	6.
Superannuation Allowances of the Constabulary Force and the Dublin Metropolitan Police, to regulate - - - - -	(I.)	100
Supplies, Appropriation of - - - - -	(U. K.)	107.

T.

Taxation of Costs on Private Bills in the House of Commons, for the more effectual - - - - -	(G. B. & I.)	69.
Threatening Letters, to extort Money, for extending the Provisions of the Law respecting - - - - -	(E. & I.)	66.
Tithes, to explain the Acts for the Commutation of, and to continue the Officers appointed under the said Acts until 1st October 1850 - -	(E.)	104.
Towns, for consolidating in One Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting and improving - -	(E. & I.)	34.
Transference of Lands, to facilitate the Transference of Lands and other Heritages not held in Burgage Tenure - - - - -	(S.)	48.
----- to facilitate the Transference of Lands and other Heritages held in Burgage Tenure - - - - -	(S.)	49.
Trust Funds, for better securing, and for the Relief of Trustees - -	(E.)	96.
Trust Monies, to facilitate the temporary Investment of, in the Improve- ment of Landed Property - - - - -	(I.)	46.
Turnpike Roads, to continue until 31st July 1848 certain Acts for regulating - - - - -	(I.)	35.
----- to continue, until 1st October 1848, 4 & 5 Vict., c. 59, for authorizing the Application of Highway Rates to - - - - -	(G. B.)	93.

Turnpike Roads, to continue certain Turnpike Acts until 1st October 1848 - - - - -	(E.)	105.	Cap.
_____ in South Wales, for the further Amendment of the Laws relating to - - - - -	(W.)	72.	

V.

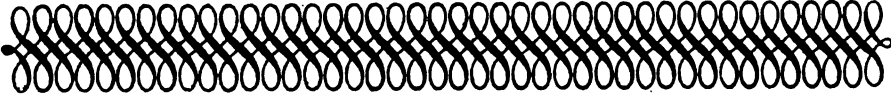
Vagrants, to make Provision for the Punishment of - - - - -	(I.)	84.
Van Diemen's Land Company, to amend 6 Geo. 4, c. 39, for granting certain Powers and Authorities to - - - - -	(U. K.)	57.

W.

Wash-houses (Public), to amend 9 & 10 Vict., c. 74, for the Establishment of - - - - -	(E.)	61.
Waterworks for supplying Towns with Water, for consolidating in one Act certain Provisions usually contained in Acts authorizing the making of -	(G. B. & I.)	17.
Woods, &c., Commissioners of, empowered to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the Isle of Portland - - - - -	(E.)	24.
_____ empowered to purchase Lands for the purpose of a Harbour of Refuge at or near Holyhead - - - - -	(E.)	76.

Y.

Young Persons, limiting the Hours of Labour of, in Factories - - -	(U. K.)	29.
--	---------	-----



A

B I L L

To make Provision to enable the Industrious Classes to purchase Government Deferred Annuities, or to insure the Payment of a Sum at Death, or for Endowments, through the Medium of Savings Banks and Parochial Societies.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ it is expedient to extend the provisions respecting the purchase of Annuities through the medium of Savings' Banks and Parochial Societies, and to make other provisions for the benefit of the Industrious Classes of Her Majesty's subjects ;
5 **B**E it ~~therefore~~ **E**nacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *Twentieth day of November One thousand eight*
10 *hundred and Forty-seven*, or as soon after as the Commissioners for the Reduction of the National Debt shall think fit, of which due notice shall be given in the "London Gazette," it shall and may be lawful for any Two Trustees or Managers of a Savings Bank, or of a Parochial Society legally established, to receive any sum or sums
15 of money for the purchase of Deferred Life Annuities, or of Deferred Annuities for a certain limited term of years, or for the payment of a sum of money not exceeding *Fifty Pounds* on death, provided that the party contracting for such payment at death shall at the same time purchase an Immediate or Deferred Life Annuity of such an amount as may be fixed by the Tables hereinafter referred to, or for an Endowment not exceeding *Two hundred Pounds*, payable on the event

Preamble.

1.
Trustees of Savings Banks or of Parochial Societies may receive money for purchase of Deferred Annuities, &c.

Annuities,
&c. to be
contracted for
by Two
Trustees or
Managers, on
behalf of
Commissioners for
Reduction of
National
Debt.

Money paid
to Trustees
on account of
purchase of
Annuity to be
kept distinct,
and paid to
account of
Commissioners.
3 W. 4, c. 14.

7 & 8 Vict.
c. 83.

of any child attaining any specified age, or at any stated time, such Annuities and payments at death or Endowments, to be contracted for by any Two of the said Trustees or Managers, on behalf of the Commissioners for the Reduction of the National Debt, and to be charged and chargeable, and the said Annuities, payments on death, or for Endowments, are hereby made chargeable upon the Consolidated Fund of the United Kingdom, under the limitations, restrictions and regulations contained in an Act of the third year of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act to enable Depositors in Savings Banks and others to purchase Government Annuities through the medium of Savings Banks, and to amend an Act of the ninth year of his late Majesty, to consolidate and amend the Laws relating to Savings Banks," and also in a certain other Act of the eighth year of the reign of Her present Majesty, intituled, "An Act to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the medium of Savings Banks," except as hereinafter is excepted; and all sums of money from time to time paid to the said Trustees or Managers on account of the purchase of every such Annuity, or payment on death, or Endowments, shall be kept separate and distinct from the other funds of the institution, and be from time to time, when received, paid into the Bank of England to the account of the Commissioners for the Reduction of the National Debt, and the Cashiers of the Bank of England are hereby required to receive all such monies, and to place the same to the account of the said Commissioners, to be intituled, "The Fund for purchasing Life Annuities, or Annuities for Terms of Years, or Payments on Death, or Endowments (as the case may be), on the account of Savings Banks and Parochial Societies," and the said Commissioners shall in like manner keep distinct and separate accounts of all monies so placed to the said accounts, pursuant to the provisions of this Act.

2.
Treasury
shall direct
use of Tables
of the value
of Annuities
as approved
of by them.

And be it Enacted, That for the better carrying this Act into execution, it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from time to time as they shall think fit, to direct the Commissioners for the Reduction of the National Debt to use and adopt such Tables as shall from time to time be authorized and approved of by the said Commissioners of the Treasury, or any Three or more of them, for ascertaining the values of Deferred Annuities depending on the continuance of single lives; and also such Tables of the values of Deferred Annuities for a certain limited term of years, as may be granted according to the provisions of this Act, as well as Tables for payments of sums of money at death, and also for Endowments, and such respective Tables shall

shall be valid and effectual for the purposes of this Act; and all Annuities for Lives or Years of whatsoever kind, to be purchased under the provisions of this Act, shall be purchased, and all payments for sums to be secured at death or to be paid for Endowments, shall be made according to the values stated in such Tables respectively, so long as the same shall remain in force, and it shall be lawful for the said Commissioners of the Treasury to alter, revoke and recall all or any of the said Tables from time to time, and to direct the use and adoption of such other Tables in lieu thereof, as shall be approved of by the said Commissioners of the Treasury, and also to discontinue, by any warrant under their hands addressed to the said Commissioners for the Reduction of the National Debt (of which the said last-mentioned Commissioners shall give notice in the "London Gazette"), the granting of any Annuities for lives or years, or the payment at death, or for Endowments under the provisions of this Act, if they shall think it fit and expedient so to do: Provided always, That the said Commissioners for the Reduction of the National Debt shall, previous to the adoption and using of any such Tables respectively, give notice from time to time in the "London Gazette" in such form and manner as to the said Commissioners for the Reduction of the National Debt shall seem fit and proper, that such Tables have been authorized and approved by the said Commissioners of the Treasury.

And be it Enacted, That all the provisions of the Acts now in force relating to Savings Banks, and to the purchase of Government Annuities through the medium of Savings Banks, so far as the same or any part thereof may or can be applicable to the purposes of this Act, shall extend and apply thereto, in such and the same manner as if the provisions of the said Acts had been expressly re-enacted herein, except so much as relates to the repayments to the contracting party, his executors or administrators, of the money he has paid if he is unable to keep up the annual payments for the Deferred Life Annuity, or Annuity for a certain limited Term of Years, or should die previous to the said Deferred Annuity becoming payable.

3.
Provisions of
9 G. 4, c. 92;
3 W. 4, c. 14;
5 & 6 W. 4,
c. 57;
7 & 8 Vict.
c. 83, extend-
ed to this Act.

Exception.

And be it Enacted, That the said Trustees or Managers may, at the time of granting any Life Annuity, or any Assurance on the life of a party, charge towards the expenses of the Institution for any sum under Twenty-five Pounds, the sum of *Five Shillings*; Twenty-five Pounds and not exceeding Fifty Pounds, the sum of *Ten Shillings*; and for any Endowment under Twenty-five Pounds, the sum of *Five Shillings*; Twenty-five Pounds and under Fifty Pounds, the sum of *Ten Shillings*; Fifty Pounds and under One hundred Pounds, the sum of *Twenty Shillings*; One hundred Pounds and under One hundred and fifty Pounds, the sum of *Twenty-five Shillings*; One

4.
Amount pay-
able on grant
of Assurance
or Annuity.

hundred and fifty Pounds and not exceeding Two hundred Pounds, the sum of *Thirty Shillings*.

5.
Appointment
of Clerks and
Officers.

And be it Enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered from time to time to appoint such Officers, Clerks and other persons as may be necessary for carrying this Act into execution, and as may be approved of by the Commissioners of Her Majesty's Treasury.

5

6
For defraying
expenses at-
tending the
execution of
this Act.

And be it Enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them for the time being, to order and direct to be issued and paid out of the fund upon which the establishment of the Commissioners for the Reduction of the National Debt is chargeable, any sum or sums of money for the payment of Salaries to Officers and Clerks acting in the execution of this Act, in such manner as the said Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, shall from time to time think fit and reasonable: Provided always, That any incidental expenses incurred by the said Commissioners for the Reduction of the National Debt, in carrying into execution this Act, shall and may be defrayed by the Commissioners for the Reduction of the National Debt out of any monies, stocks or funds standing in the names of the said Commissioners at the Bank of England.

10

15

20

7.
Limits of the
Act.

And be it Enacted, That this Act shall extend to Great Britain and Ireland, and Berwick-upon-Tweed, and the Islands of Guernsey and Jersey, and Isle of Man.

25

8.
Act may be
amended this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Savings Banks Annuities.

A

B I L L

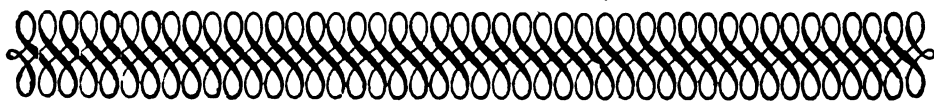
To make Provision to enable the Industrious
Classes to purchase Government Deferred
Annuities, or to insure the Payment of a Sum
at Death, or for Endowments, through the
Medium of Savings Banks and Parochial
Societies.

(Prepared and brought in by
*Mr. Poulett Scrope, Mr. Henley and
Mr. Sotherton.*)

*Ordered, by The House of Commons, to be Printed,
30 April 1847.*

335.

Under 1 oz.



A

B I L L

To amend the Seamen's Enlistment Act.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH ~~HEREAS~~ by an Act of Parliament passed in the sixth year
of the reign of his late Majesty King WILLIAM the Fourth,
intituled, "An Act for the Encouragement of the Voluntary Enlist-
ment of Seamen, and to make Regulations for more effectually manning
5 his Majesty's Navy," it is, amongst other things, enacted, that every
Seaman, Seafaring Man or other person, who within Six Days
after any proclamation of his Majesty, calling for the services of
Seafaring Men, shall have been published in any port of the United
Kingdom or any of his Majesty's dominions, shall at such port enter
10 himself in his Majesty's Naval Service with any officer authorized to
receive volunteers for the Royal Navy, shall, in addition to the
advantages given to volunteers by an Act of the eleventh year of his
late Majesty King GEORGE the Fourth, to amend and consolidate the
laws relating to the pay of the Royal Navy, be entitled to receive
15 double the amount, according to his rating, of the bounty offered by
any such Proclamation; and that in the case of Seamen serving in
Merchant Vessels which shall be at sea at the time when any such Pro-
clamation shall be issued, every such person who shall enter himself
with an officer of the Navy within Six Days after the first arrival of
20 any such Ship at any such port as aforesaid, or within Half an Hour
after any officer of his Majesty's Navy shall have visited any such
Ship before her arrival at any such port, shall also be entitled to
receive the like double bounty; and it is by the said Act further
336: enacted,

Preamble:
5 & 6 Will. 4,
c. 25.
s. 4.

s. 5.

enacted, that the Seamen who shall, at the time of the issuing of any such Proclamation as aforesaid, be serving in the Fleet, shall not be entitled to be discharged, but shall continue to serve therein for a period of Five Years, in case their services shall be so long required, and in consideration of their being so required to continue in the service for such further period, they shall be entitled to receive and shall be paid the same amount of bounty as shall, by any Order in Council or Proclamation of his Majesty then in force, be offered to Seamen of their respective classes, and shall also be entitled to their discharge at the expiration of that period, in the same manner and under regulations similar to those established by this Act with respect to volunteer Seamen :

And whereas it is deemed expedient to amend the hereinbefore-recited provisions of the said Act ;

1.
Proclamation
for Seamen
may be
general or
restricted.

~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT any Proclamation of Her Majesty, Her heirs or successors, calling for the services of seafaring men, either during the term of peace or war, shall, at the pleasure of Her Majesty, Her heirs or successors, apply to all seafaring men, or be restricted to any particular class or classes of seafaring men, either according to their ages, the numbers of their Register Tickets or otherwise ; and it shall be lawful to enforce a compliance with every such restricted Proclamation in the same manner as if the Proclamation were applicable to seafaring men generally.

2.
When re-
stricted, only
those to whom
the Proclama-
tion applies
shall be
entitled to
double
Bounty, but
if others be
accepted, they
shall be en-
titled to single
Bounty.

And be it Enacted, That when any such restricted Proclamation shall be issued, the provisions of the hereinbefore-recited Act as to the payment of double Bounty, shall not extend to any other seafaring men who may voluntarily enter Her Majesty's Navy, other than such class or classes of seafaring men to which any such Proclamation may apply, who shall enter Her Majesty's Navy within the respective times limited by the hereinbefore-recited Act ; but if any man to whom such restricted Proclamation shall not apply shall volunteer for and be allowed to enter Her Majesty's Navy within such limited times, he shall be paid the amount of single Bounty mentioned in such Proclamation.

3.
Seamen in
Navy, when
Proclamation
issues, not
entitled to
Bounty unless
war with any
European or
North Ameri-

And be it Enacted, That notwithstanding anything in the hereinbefore-recited Act contained, all Seamen who shall enter or re-enter Her Majesty's Navy from and after the *passing of this Act*, and who shall at the time of the issuing any such general or restricted Proclamation be serving in Her Majesty's Navy, shall not be entitled to the Bounty

- Bounty offered by any such Proclamation, unless, within the period of *Twelve* calendar Months from the issuing any such Proclamation, Her Majesty, Her heirs or successors be at war with any European or North American State, or unless the Bounty be expressly given to
- 5 such Seamen by any such Proclamation; but if there be any such war within such period, or the Bounty be expressly given by the Proclamation, all Seamen in Her Majesty's Navy, when such Proclamation is issued (other than those who, after the passing of an Act, intituled, or to be intituled, "An Act for extending the Period of
- 10 Service of Boys in Her Majesty's Navy," may have entered or shall enter Her Majesty's service when under the age of *Sixteen* Years, and have never been discharged), shall be entitled to and be paid the same amount of single Bounty as shall by any such Proclamation be offered to Seamen of their respective ratings who shall voluntarily
- 15 enter Her Majesty's service; and in consideration of such Seamen then in Her Majesty's service being so entitled, all such Seamen shall serve in Her Majesty's Navy for a period of *Five* Years from the date of such Proclamation if their services shall be so long required, and at the expiration of such period of *Five* Years, they shall be entitled
- 20 to their discharge in the same manner, but subject to such restrictions and regulations as are established by the hereinbefore-recited Act with respect to volunteer Seamen in ordinary cases.

can State within limited time, or it be expressly given.

If entitled to Bounty, to serve Five Years from date of Proclamation.

- And be it Enacted, That whenever any restricted Proclamation shall be issued, it shall not be lawful for the owner or master of any vessel,
- 25 or any other person within the United Kingdom, while such Proclamation is in force, to engage or continue to employ, or harbour or conceal any seafaring man to whom such restricted Proclamation shall apply, and who shall not be exempted from service in Her Majesty's Navy; and in every case of such illegal engagement, continuance of employ-
- 30 ing, harbouring or concealing, the person offending shall incur and pay a penalty not exceeding *Fifty Pounds* nor less than *Twenty Pounds* for every seafaring man so engaged, continued to be employed, harboured or concealed, and also a penalty of *Two Pounds* for every day during which any such seafaring person shall be so engaged, employed,
- 35 harboured or concealed; and every penalty imposed by this Act shall be recoverable and be applicable in the same manner as a penalty imposed by the Act passed in the eighth year of the reign of Her present Majesty, intituled, "An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen,"
- 40 is recoverable and applicable.

4. Penalty for employing, &c., Seamen to whom restricted Proclamation may apply.

And be it Enacted, That when any such restricted Proclamation shall have reference to ages, the age stated in the Register Ticket of each seafaring man shall for the purposes of this Act be conclusive evidence of his age.

5. What is to be conclusive Evidence of the age of Seamen.

6.
Recited Act
not altered
other than
may be neces-
sary to give
effect to this
Act.

And be it Enacted, That nothing in this Act contained shall alter or repeal the hereinbefore-recited Act, save and so far only as may be necessary to give force and effect to the provisions hereby enacted.

7.
This Act may
be altered or
repealed dur-
ing present
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament. 5

Seamen's Enlistment.

A

B I L L

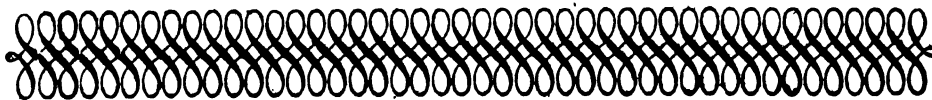
To amend the Seamen's Enlistment Act.

(Prepared and brought in by
Sir Charles Napier, Captain Plumridge
and Viscount Ingestre.)

Ordered, by The House of Commons, to be Printed,
3 May 1847.

336.

Under 1 oz.



A

B I L L

For the more effectual Suppression of Trading in Seduction
and Prostitution, and for the better Protection of
Females.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH ~~HEREAS~~ there are persons who make a trade of procuring Preamble.
and promoting the Seduction and Prostitution of Females :
And whereas this disgusting and abominable trade is supported and
carried on in a great measure through the keeping of Brothels : And
5 whereas by an Act passed in the twenty-fifth year of the reign of
his late Majesty GEORGE the Second, intituled, “ An Act for the
preventing Thefts and Robberies, and regulating Places of Public
Entertainment, and Punishment of Persons keeping Disorderly
Houses,” certain provisions were made for encouraging prosecutions
10 against persons keeping disorderly houses : BUT such provisions have
been found ineffectual for the suppression of such trading as afore-
said ; ~~BE it therefore Enacted~~, by The QUEEN’s most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
15 and by the Authority of the same, THAT any person who shall by
any means procure, solicit or promote, or knowingly act in the pro-
curement, solicitation or promotion of the illicit intercourse of the
sexes between other parties, shall be liable to be proceeded against
and punished in the same manner in all respects as hereinafter directed
with reference to the master or mistress of a Brothel.

1.
Punishment
of Persons
promoting
Prostitution.

2.
Punishment
of Parents
and Relations
having charge
of young
Females for
promoting
the commis-
sion of
Fornication
by such
Females.

And be it Enacted, That any parent, step-father, step-mother, uncle, aunt, guardian, tutor or other person having the charge of young females, or any person who shall demean himself or herself as parent, step-father, step-mother, uncle, aunt, guardian, tutor, or other person having the charge of young females, who shall aid, abet or con-
5
nive at the commission of fornication by his or her daughter, step-daughter, niece, ward, pupil or charge, shall be liable to be proceeded against and punished in the same manner in all respects as hereinafter directed with reference to the master or mistress of a Brothel.

3.
What Houses
are to be
deemed
Brothels.

And be it Enacted, That any house or place in which the master or
10
mistress, or person acting or appearing to act in the capacity of master or mistress thereof, shall promote, facilitate or knowingly permit the illicit intercourse of the sexes between other parties, shall be deemed to be a Brothel within the meaning of this Act.

4.
Punishment
of Keepers of
Brothels.

And be it Enacted, That any master or mistress of any Brothel, 15
and any person who shall act or appear to act or behave himself or herself as master or mistress of any Brothel, and any person who shall knowingly act as a servant or assistant to the master or mistress, or person acting or appearing to act as master or mistress of any
20
Brothel, shall, upon being convicted thereof before any Two Justices of the Peace, be liable to be imprisoned, with or without hard labour, at the discretion of such Justices, for any term not exceeding *Three* calendar Months; and in case any person shall so offend a second time, and shall be convicted thereof before any Two Justices of the Peace,
25
he or she shall be liable to be imprisoned, with or without hard labour, for any term not exceeding *Six* calendar Months; and in case any person shall so offend a third time, or oftener, he or she shall for every such third or subsequent offence be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court
30
before whom such offence shall be indicted and tried, to be imprisoned with or without hard labour for any term not exceeding *Two* Years.

5.
Punishment
of Persons
sharing
Profits of
Brothels.

And be it Enacted, That any person who shall knowingly participate, directly or indirectly, in the profits arising from the keeping of any Brothel, or who shall knowingly, directly or indirectly, share or become a partner with any prostitute in the wages of her prostitution, 35
shall be liable to be proceeded against and punished in the same manner in all respects as hereinbefore directed with reference to the master or mistress of a Brothel.

6.
Justices may
summon
Persons
accused of

And be it Enacted, That when any person shall be charged on the oath of a credible witness before any Justice of the Peace with any offence punishable by virtue of this Act, such Justice may summon the
person

person charged to appear before any Two Justices of the Peace at a time and place to be named in such summons, and if he or she shall not appear accordingly, then, upon proof of the due service of the summons upon such person, by delivering the same to him or her, or leaving the same at his or her usual or last known place of abode, such Justices may either proceed to hear and determine the case ex-parte, or may issue their warrant for apprehending such person, and bringing him or her before them, or the Justice before whom the charge shall be made may (if he shall so think fit) issue such warrant in the first instance without any previous summons.

Offences
against this
Act.

And be it Enacted, That if any person shall think himself or herself aggrieved by any conviction of any Justice or Justices under the provisions of this Act, he or she may appeal against such conviction to the General Quarter Sessions of the Peace for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within *One* calendar Month next after such conviction taking place, nor unless *Ten Days'* notice in writing of such appeal, stating the nature and grounds thereof, be given to the Justice or Justices so convicting, nor unless the appellant do within *Three Days* after such notice enter into recognizances before a Justice of the Peace conditioned duly to prosecute such appeal, and to abide by the order of the court thereon.

7.
Appeal.

And be it Enacted, That at the quarter sessions for which such notice shall be given, the court shall proceed to hear the said appeal, and upon the hearing thereof may, if they think fit, confirm or quash the conviction so appealed against, and make such order concerning the costs of appeal as they may think reasonable.

8.
Court of
Quarter Ses-
sions to hear
Appeal.

And be it Enacted, That, upon the conviction under this Act of any person as the master or mistress, or person acting or appearing to act as the master or mistress, of any Brothel, the Justices before whom such conviction shall take place shall, upon the application either of the party or parties prosecuting such conviction, or of the owner of such Brothel, certify such fact accordingly, by writing under their hands, and such conviction and certificate shall operate as an avoidance and determination of any demise or lease at rack-rent under which such Brothel (either alone or together with any other premises), shall be held: Provided always, That the words "owner" and "rack-rent" shall, in the construction of this Act, have the same meaning respectively as is attributed to the same words in the Act of the fifth and sixth of WILLIAM the Fourth, chapter seventy-six, section One hundred and nine.

9.
Upon certifi-
cate of Con-
victions,
Leases may
be vacated.

10.
Proceedings
not to be
quashed for
want of Form.

And be it Enacted, That no indictment, conviction or other proceeding under this Act, nor any adjudication made upon appeal, shall be quashed for want of form, nor be removed by writ of certiorari or otherwise into any of Her Majesty's Superior Courts of Record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. 5

11.
Limitation of
Actions.

And be it Enacted, That every action against any Justice, constable or other person for or on account of any matter or thing whatsoever done or committed by him in the execution of his duty or office, under or otherwise in pursuance of this Act, shall be commenced within *Three* calendar Months after the cause of action or complaint shall have arisen, and not afterwards ; and if any person shall be sued for any matter or thing which he shall have done in the execution of this Act, he may plead the general issue, and give the special matter in evidence. 10 15

12.
Payment of
Costs.

And be it further Enacted, That the costs of all proceedings under this Act shall be paid in the manner directed by the said Statute of the twenty-fifth year of GEORGE the Second, hereinbefore mentioned, with reference to the expenses of proceedings under that Act against persons for keeping disorderly houses. 20

13.
Act may be
amended.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Seduction and Prostitution.

A

B I L L

For the more effectual Suppression of Trading
in Seduction and Prostitution, and for the
better Protection of Females.

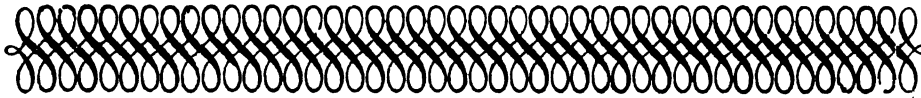
(Prepared and brought in by
*Mr. Spooner, Lord Robert Grosvenor, and
Mr. Mangles.*)

*Ordered, by The House of Commons, to be Printed,
30 March 1847.*

245.

Under 1 oz.

14 May 1847.—10 VICT.



A

B I L L

For the more effectual Suppression of Trading in Seduction
and Prostitution, and for the better Protection of
Females.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS there are persons who make a Trade of pro-
curing and promoting the Seduction and Prostitution of
Females :

Preamble.

And whereas the laws at present in force have been found ineffec-
5 tual for the suppression of such trading :

BE it therefore Enacted, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spi-
ritual and Temporal, and Commons, in this present Parliament assem-
bled, and by the Authority of the same, THAT any person who shall,
10 for his or their own lucre or gain, by any means procure or solicit,
or endeavour to procure or solicit, or knowingly act in the procure-
ment or solicitation of the illicit intercourse of the sexes, between
other parties, shall be guilty of a Misdemeanor, and shall be liable,
on conviction, to be imprisoned, with or without hard labour, in the
15 Common Gaol or House of Correction for any term not exceeding
Two Years.

1.
Punishment
of persons
engaged in
the procure-
ment or soli-
citation of
illicit inter-
course
between the
sexes.

And be it Enacted, That no indictment or other proceeding under
this Act shall be quashed for want of form, or be removed by writ of
certiorari or otherwise into any of Her Majesty's Superior Courts of
Record.

2.
Indictments
not to be
quashed for
want of form.

3.
Court may
order pay-
ment of costs
and expenses
of Prosecutors
and Wit-
nesses.

And be it Enacted, That where any prosecutor or other person shall appear before any court, on recognizance or subpœna, to prosecute or give evidence against any person upon any charge of having, for his or her own lucre and gain, by any means procured or solicited, or endeavoured to procure or solicit, or knowingly acted in the procurement or solicitation of the illicit intercourse of the sexes, between other parties, every such Court is hereby authorized and empowered, whether any bill of indictment for such charge shall or shall not be actually preferred, to order payment of the costs and expenses of the prosecutor and witnesses for the prosecution, together with a compensation for their trouble and loss of time, in the same manner as Courts are now by law authorized and empowered to order the same in cases of prosecutions for felony. 5 10

4.

And be it Enacted, That every order for the payment of any money by virtue of this Act shall be made out and delivered by the proper Officer of the Court unto such prosecutor or other person, upon the same terms and in the same manner in all respects as orders for the payment of costs are now made in cases of felony, and the Treasurer or other person, when any such order shall be made, shall be and he is hereby required, upon sight of such order, forthwith to pay to the person therein named, or to any one duly authorized in that behalf, the money in such order mentioned, and such Treasurer or other person shall be allowed the same in passing his accounts. 15 20

5.
Court before
which persons
are convicted
of keeping
disorderly
houses may
determine the
estate or inte-
rest of such
persons in the
premises.

AND whereas it is desirable that the Court before which persons are convicted of keeping Brothels, should in certain cases have the power of determining the estate or interest which such person shall have in such houses; BE it therefore Enacted, That from and after *the passing of this Act*, where any person shall be convicted upon any indictment of keeping a Bawdy-house or disorderly house, it shall be lawful for the Court before which such person shall have been convicted; at the time of such conviction, or at any subsequent sitting of the said Court, to order that any estate or interest for years of such offender in such houses, or if such offender shall be a married woman, then of the husband of such offender, shall from the time of the making of such order utterly cease and determine, and such estate or interest of such offender, or husband of such offender, shall thereupon utterly cease and determine; and it shall be lawful for any such Court to order, in a summary manner, possession of such house to be given up to the person or persons or body corporate next entitled to such house, after the determination of the estate or interest of such offender, or husband of such offender as aforesaid, and to issue writs of possession for that purpose where it shall seem to such Court advisable. 25 30 35 40

And

And be it Enacted, That it shall be lawful for any such Court as
aforesaid, through the medium of a Jury to be impaneled, instanter to
inquire into all such matters of fact touching the making such order
5 as aforesaid, as such Court may deem necessary.

6.
Courts may
cause Juries
to be im-
paneled.

And be it Enacted, That this Act may be amended or repealed by
any Act to be passed in this present Session of Parliament.

7.
Act may be
amended during
the present Ses-
sion.

Seduction and Prostitution Suppression.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the more effectual Suppression of Trading
in Seduction and Prostitution, and for the
better Protection of Females.

NEW TITLE FOR THIRD READING:

*AN ACT for the more effectual Suppression of
Trading in Seduction.*

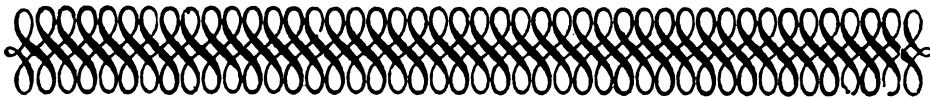
(Prepared and brought in by
*Mr. Spooner, Lord Robert Grosvenor, and
Mr. Mangles.*)

*Ordered, by The House of Commons, to be Printed,
16 June 1847.*

513.

Under 1 oz.

16 June 1847.—10 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the more effectual Suppression of Trading in Seduction
and Prostitution, and for the better Protection of
Females.

NEW TITLE ON THIRD READING :

AN ACT for the more effectual Suppression of Trading in Seduction.

[N. B.—*The Clause marked (A.) was added by the Committee.*]

W~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ there are persons who make a Trade of pro- Preamble.
curing the Seduction of Females :

And whereas the laws at present in force have been found ineffec-
tual for the suppression of such trading :

5 **B**~~E~~ it therefore **E**~~n~~~~a~~~~c~~~~t~~~~e~~~~d~~, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spi-
ritual and Temporal, and Commons, in this present Parliament assem-
bled, and by the Authority of the same, **T**~~H~~**A**T any person who shall,
for his or her own lucre or gain, by any means procure, or knowingly
10 assist in procuring, for the purpose of prostitution, the seduction of any
unmarried woman under Twenty-one years of age, who shall not be
proved to have previously had illicit sexual intercourse, or any person
who shall pay, or offer or promise to pay, any money, fee or other
valuable consideration whatever for the purpose of so procuring, or
knowingly assisting in procuring, or as a reward for having so pro-
cured,

1.
Punishment
of persons
trading in the
Seduction of
Females
under 21
years of age.

cured, or knowingly assisted in procuring, such seduction as aforesaid, shall be guilty of a Misdemeanor, and shall be liable, on conviction, to be imprisoned, with or without hard labour, in the Common Gaol or House of Correction for any term not exceeding Two Years.

2.
Court may
order pay-
ment of costs
and expenses
of Prosecutors
and Wit-
nesses.

And be it Enacted, That where any prosecutor or other person shall appear before any Court, on recognizance or subpœna, to prosecute or give evidence against any person charged with any offence against this Act, every such Court is hereby authorized and empowered to order payment of the costs and expenses of the prosecutor and witnesses for the prosecution, in the same manner as Courts are now by law authorized and empowered to order the same in cases of prosecutions for felony. 5 10

3.
Costs to be
paid as in
cases of
felony.

And be it Enacted, That every order for the payment of any money by virtue of this Act shall be made out and delivered by the proper Officer of the Court unto such prosecutor or other person upon the same terms and in the same manner in all respects as orders for the payment of costs are now made in cases of felony; and the Treasurer or other person, when any such order shall be made, shall be and he is hereby required, upon sight of such order, forthwith to pay to the person therein named, or to any one duly authorized in that behalf, the money in such order mentioned, and such Treasurer or other person shall be allowed the same in passing his accounts. 15 20

4.
CLAUSE (A.)
Limiting time
for preferring
indictment.

And be it Enacted, That no indictment under this Act shall be preferred unless within Three Months after the completion of the offence alleged therein. 25

5.
Act may be
amended
during the
present Ses-
sion.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Service of Heirs (Scotland).

A

B I L L

To amend the Law and Practice in Scotland
as to the Service of Heirs.

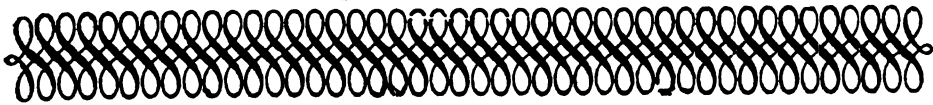
*(Prepared and brought in by
The Lord Advocate and The Solicitor General
for Scotland.)*

*Ordered, by The House of Commons, to be Printed,
26 March 1847.*

233.

Under 3 oz.

26 April 1847.—10 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Law and Practice in Scotland as to the Service of Heirs.

[N.B.—*The Clause marked (A.) was added by the Committee.*]

WH **H**E **R**E **E**A **S** it is expedient to amend the Law and Practice Preamble.
in Scotland relative to the Service of Heirs :

May it therefore please Your MAJESTY,

5 That it may be Enacted ; ~~And be it Enacted~~, by The QUEEN'S
most Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, THAT from and
after the Fifteenth day of November One thousand eight hundred and
Forty-seven the practice of issuing Brieves from Chancery for the
10 Service of Heirs shall cease ; and it shall not be competent to any
person to obtain himself served heir by virtue of any such Brieve, or
otherwise than according to the provisions of this Act.

1.
From 15th
November
1847 the
practice
of issuing
Brieves from
Chancery
shall be dis-
continued.

And be it Enacted, That from and after the date aforesaid, every
person desirous of being served heir to a person deceased, whether in
15 general or in special, and in whatsoever character, shall, instead of
applying, as heretofore, for a Brieve from Chancery, present a Petition
of Service to the Sheriff in manner hereinafter set forth.

2.
Services to
proceed by
Petition to
Sheriff.

And be it Enacted, That in every case in which a general service is
intended to be carried through, such Petition shall be presented to
316. the

3.
Petition to be
presented to
the Sheriff of
the County

or to the
Sheriff of
Chancery.

the Sheriff of the county within which the deceased had, at the time of his death, his ordinary or principal domicile, or, in the option of the petitioner, to the Sheriff of Chancery to be appointed under the authority of this Act; and if the deceased had, at the time of his death, no domicile within Scotland, then in every such case to the Sheriff of Chancery; and in every case in which a special service is intended to be carried through, such Petition shall be presented to the Sheriff within whose jurisdiction the lands or other heritages are situated, or, in the option of the petitioner, to the Sheriff of Chancery; and in the event of the lands or heritages being situated in different counties, then in every such case to the Sheriff of Chancery.

4.
Nature and
Form of the
Petition.

And be it Enacted, That such Petition shall be subscribed by the petitioner, or by a mandatory specially authorized for the purpose, and shall be in the form, or as nearly so as the case will admit, of one or other of the Schedules (A.) and (B.) hereunto annexed; and shall, under the exceptions after mentioned, set forth the particulars which, according to the law and practice heretofore existing, have been in use to be set forth, with reference to a service sought to be carried through, in any claim presented to a jury summoned under a Brieve of Inquest, and shall pray the Sheriff to serve the petitioner accordingly: Provided always, That it shall not be necessary in such Petition to set forth, in any case, the value of the lands, either according to new or old extent, or the valued rent thereof, or of whom the lands are held, or by what service or tenure they are held, or in whose hands the same have been since the death of the ancestor, or whether or how long the same have been in non-entry, or that the petitioner is of lawful age, or that the ancestor died at the faith and peace of the Sovereign; but that in setting forth the death of the ancestor, there shall also be set forth the date at or about which the said death took place; and that in every case in which the petitioner claims to be served heir of provision, whether in general or special, the deed or deeds under which he so claims shall be distinctly specified.

5.
Conditions of
Entail and
other condi-
tions may be
referred to
instead of
being inserted
at length.

And be it Enacted, That in all cases of special service, where the lands are held under a Deed of Entail, it shall be lawful and competent in such Petition of Service and in the Decree of Service to follow thereon, and in the precepts, sasines or other instruments necessary to complete the investiture of the lands which shall follow on such Decree, to omit the full insertion of the conditions and provisions, and prohibitory, irritant and resolute clauses of such Deed of Entail, provided such conditions and provisions, and prohibitory, irritant and resolute clauses shall be therein specially and directly referred to as set forth at full length in the recorded instrument of sasine in favour of the deceased

deceased person served to, or as set forth at full length in the Deed of Entail itself if the same shall have been recorded in the Register of Tailzies, or as set forth at full length in any recorded instrument of sasine forming a part of the title-deeds of the lands held under such

5 Deed of Entail, such reference being made in the form or as nearly as may be in the form shown in Schedule (B.) hereunto annexed ; and the reference thus made to such conditions and provisions, and prohibitory, irritant and resolute clauses shall be held legally equivalent to the full insertion thereof, and shall to all intents and in all questions

10 whatever, whether inter hæredes or with third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded deed or instrument referred to, notwithstanding of any injunction to the contrary contained in such Deed of Entail, and notwithstanding of any law or practice to the contrary,

15 and notwithstanding the enactments or provisions to the contrary contained in an Act of the Parliament of Scotland made in the year One thousand six hundred and Eighty-five, intituled, " Act concerning Tailzies," or in any other Act or Acts of the Parliament of Scotland or of Great Britain now in force, all which are hereby repealed to the

20 extent of making this enactment operative, but no further.

And be it Enacted, That in all cases of special service, where the lands are held under any real burdens or conditions or limitations whatsoever, appointed to be fully inserted in the investitures of such lands, it shall, notwithstanding such appointment, and notwithstanding

25 ing any law or practice to the contrary now existing, be lawful and competent in the Petition of Service, and in the Decree of Service to follow thereon, and in the precepts, sasines or other instruments necessary to complete the investiture which shall follow on such Decree, to omit the full insertion of such real burdens or conditions or limitations ;

30 provided such real burdens or conditions or limitations shall be therein specially and directly referred to as set forth at full length in the recorded instrument of sasine in favour of the deceased person served to, or as set forth at full length in the recorded instrument of sasine of the said lands in which the same were first inserted, or in any

35 other intermediate recorded instrument of sasine, such reference being made in the form or as near as may be in the form shown in Schedule (B.) hereunto annexed ; and the reference thus made to such real burdens or conditions or limitations shall be held as legally equivalent to the full insertion thereof, and to all intents and in all questions what-

40 ever, whether with the disponent or superior or third parties, shall have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded instrument referred to, notwithstanding any law or practice or any Act or Acts of Parliament to the contrary, all which are hereby repealed, to the extent of making this enactment operative, but no further.

6.
Burdens,
conditions
and limita-
tions may be
referred to.

7.
Services not
to proceed till
publication be
made.

And be it Enacted, That when any such Petition shall be presented to the Sheriff of any county, the service shall not proceed until publication shall be made in such county, nor until the Sheriff-clerk of the county shall have received from the Sheriff-clerk of Chancery official notice that publication has been made in Edinburgh; and when such Petition shall be presented to the Sheriff of Chancery, the service shall not proceed until publication shall have been made in Edinburgh, nor until the Sheriff-clerk of Chancery shall have received official notice that publication has been made in the county of the domicile of the party deceased, or the county or counties in which the lands are situated, as the case may be; and the publication in Edinburgh shall be at the office of the Keeper of Edictal Citations in the General Register Office, and in the same mode and form as in edictal citations; and in the county of the domicile, and in the county or counties where the lands are situated, by affixing on the doors of the Court-house, or in some conspicuous place of the Court, or of the office of the Sheriff Clerk, as the Sheriff may direct, a short abstract of the Petition, and there shall be no farther publication; and the form of such abstract, and the mode or form of the official notice of such publication, shall be fixed and declared by the Court of Session, in virtue of the powers hereinafter mentioned.

8.
Caveats to be
received.

And be it Enacted, That the Sheriff-clerk of Chancery to be appointed in virtue of this Act, and the Sheriff-clerks of each county, shall be bound to receive any caveat against any Petition of Service to be presented to them respectively, and on the receipt of the Petition of Service referred to in the caveat, or of any official notice of any such Petition which may be communicated to such Sheriff-clerk of Chancery or such Sheriff-clerks respectively, such Sheriff-clerk of Chancery or Sheriff-clerks shall within Twenty-four Hours thereafter write and put into the post-office a notice of such Petition, addressed either to the agent by whom or to the person on whose behalf the caveat is entered, according to the name and address which shall be stated in such caveat, the Clerk receiving therefor a fee for his own use, of such amount as shall be fixed by Act of Sederunt as aforesaid.

9.
Petition of
Service to be
equivalent to
a Brieve and
Claim.

And be it Enacted, That a Petition of Service so presented shall, after expiration of the period hereinafter mentioned, be equivalent to and have the full legal effect of a brieve of service duly executed, and of a claim duly presented to the inquest, according to the law and practice heretofore existing; and every Petition of Service, without further publication than is herein provided and may be directed by Act of Sederunt, shall be held as duly published to all parties interested, and the decree to follow upon such Petition shall not be questionable or reducible upon the ground of omission or inaccuracy in the observance by any officer or official person of any of the forms or

or proceedings which shall be prescribed by Act of Sederunt made in relation to such Petitions of Service.

10.
Procedure before the Sheriff, and the effect of his judgment.

And be it Enacted, That in regard to all Petitions of Service presented to the Sheriff of Chancery or to the Sheriff of a county respectively, where the deceased died in Scotland, no evidence shall be led, nor Decree pronounced thereon by such Sheriff, until after the lapse of Fifteen Days from the date of the latest publication, or where publication is to be made in Orkney or Shetland, or the Petition is presented to the Sheriff of Orkney or Shetland, until after the lapse of Thirty Days from such date; and in regard to all Petitions of Service to be presented to the Sheriff of Chancery, where the deceased died domiciled abroad, no evidence shall be taken nor decree pronounced thereon by him, until after the lapse of Thirty Days from the date of publication in Edinburgh; and it shall be lawful, after the lapse of the times respectively above mentioned, to the Sheriff to whom such Petition of Service shall have been presented, by himself or by the Provost or any of the Bailies of any City or Royal Burgh, who is hereby authorized to act as his Commissioner, without special appointment, or failing them, and in all other cases by any Commissioner whom such Sheriff may appoint, to receive all such evidence, documentary and parole, as, according to the law and practice heretofore existing, might competently be laid before the jury summoned under the Brieve of Inquest; and any parole evidence so received shall be taken down in writing according to the existing practice in the Sheriff Courts of Scotland; and a full and complete inventory of the documents produced shall be made out, and shall be certified by the Sheriff or his Commissioner aforesaid; and on considering the said evidence, the Sheriff shall, without the aid of a jury, pronounce judgment, serving the petitioner in terms of the Petition in whole or in part, or refusing to serve the said petitioner, and dismissing the Petition in whole or in part, as shall be just; and the said judgment shall be equivalent to, and have the full legal effect of, the verdict of the jury under the Brieve of Inquest, according to the law and practice heretofore existing.

11.
Competing Petition may be presented, and Sheriff, after receiving evidence, give judgment.

And be it Enacted, That it shall be lawful to any person who may conceive that he has a right to be served preferable to that of the person petitioning the Sheriff as aforesaid, also to present a Petition of Service to the Sheriff in manner and to the effect aforesaid, and which shall be proceeded in in manner hereinbefore directed; and it shall be lawful to the Sheriff, if he shall see cause, to sist procedure on the first Petition in the meantime, and to conjoin the said Petitions, and thereafter to proceed to take evidence in manner hereinbefore directed, allowing to each of the parties not only a proof in chief with

reference to his own claim, but a conjunct probation with reference to the claim of such other party ; and the Sheriff shall, after receiving the evidence, pronounce judgment on the said Petitions, serving and refusing to serve the petitioners respectively, as may be just, and shall at the same time dispose of the matter of expenses.

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12.
Recording and
Extract of
Judgment.

And be it Enacted, That on the application of the petitioner in whose favour a judgment shall have been pronounced by the Sheriff as aforesaid, the Sheriff shall forthwith transmit to the office of the Director of Chancery aforesaid the Petition on which such judgment was pronounced, together with such judgment, the proof taken down in writing as aforesaid, and the inventories of written documents made up and certified as aforesaid, and also any other parts or steps of the process, excepting any original documents or extracts of recorded writs produced therewith, which after judgment is pronounced shall be returned, on demand, to the parties producing the same ; and on the proceedings being so transmitted to Chancery, such judgment shall be recorded by the Director of Chancery, or his depute, in the manner and form to be directed or approved of from time to time by the Lord Clerk Register ; and on such judgment being so recorded, the Director of Chancery, or his depute, shall prepare an extract thereof, and transmit the same without delay, and without charge or expense against the party in respect of the transmission and re-transmission, to the Sheriff-clerk of the county, to be by him delivered to the party or his agent in the Sheriff Court ; and such proceedings and judgment shall both prior and subsequent to the said transmission be at all times patent and open to inspection in the office of the Sheriff-clerk, and of the Director of Chancery respectively ; and certified copies shall be given to any party demanding the same, on payment of such fees as shall be fixed as aforesaid.

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13.
The Extract
Decree to be
equivalent to
an Extract
Retour.

And be it Enacted, That the Decree of Service so extracted and delivered shall have the full legal effect of a service duly retoured to Chancery, and shall be equivalent to the retour of a service under the Brieve of Inquest according to the law and practice heretofore existing ; and the extract of such decree, or any second or later extract thereof, under the hand of the proper officer entitled to make such extracts for the time, shall be equivalent to and have the full legal effect of the certified extract of the retour now in use, according to the existing law and practice ; and the Decree of Service so extracted and delivered shall not be liable to challenge nor be set aside, except by a process of reduction to be brought before the Court of Session as heretofore in use with regard to services duly retoured to Chancery.

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14.
Transmission
of Records.

And be it Enacted, That the book or books in Chancery in which such judgment shall be recorded as aforesaid, shall be issued under therewith,

the direction and authority of the Lord Clerk Register, for which no more than the prime cost shall be charged ; and it shall not be lawful for the Director of Chancery to use any other book or books in framing the said records ; and the said book or books shall be intituled, " The
 5 Record of Services," and shall have an index or abridgment connected therewith, to be prepared by the Clerk in Chancery in the form and manner to be pointed out or approved of by the Lord Clerk Register ; and such index shall be completed as soon as possible after the end of each year, and shall be printed and published, and printed copies thereof
 10 shall be distributed and disposed of in such manner as shall be directed or approved of by the Lord Clerk Register : Provided always, That if a more general distribution or publication of such index or abridgment, other than to the official individuals to be fixed by the Lord Clerk Register shall be made, then and in that case copies of the index or abridgment
 15 aforesaid shall be sold to the public at the lowest rate which will defray the expense of printing the same, and an account of the sums to be received shall be exhibited by the Director of Chancery, and be examined and audited along with his other accounts ; and such index or abridgment shall be so prepared, printed and distributed at latest by
 20 the First day of July in each year, beginning with the year One thousand eight hundred and Forty-eight ; and the said Record of Services and other proceedings shall be at all times patent and open to inspection in the Office of Chancery, on payment of such a fee as shall be regulated by Act of Sederunt, and extracts from the said Record or
 25 certified copies of the said proceedings shall be given to any one demanding the same on payment of such fees as shall be fixed by Act of Sederunt by virtue of the powers herein conferred ; and the Director of Chancery shall have the power, and is hereby required to direct and regulate the Sheriff-clerks in the several counties, and the Sheriff-clerk
 30 of Chancery in regard to the manner of arranging and transmitting the Petitions of Service and procedure thereon, and also to prepare and furnish to the Sheriff-clerks of the several counties the requisite printed forms of the intimations to be sent by them through the Post-office to the Clerk of Chancery, when Petitions of Service shall be presented in
 35 their respective Courts, or when they shall have received notice to publish Petitions that have been presented to the Sheriff of Chancery.

And be it Enacted, That the amount of the remuneration to the Clerks of Chancery for keeping the Register of Services and arranging the warrants and preparing the indexes and abridgments, shall be fixed by
 40 Act of Sederunt to be made by the Lords of Council and Session in virtue of the powers herein conferred ; and such remuneration, together with the expense of printing the index or abridgment aforesaid, shall be paid from the fees collected in the Office of Chancery, and an account thereof shall be exhibited by the Director of Chancery, and be examined and audited along with his other accounts.

15.
 Clerks of
 Chancery to
 be remuner-
 ated for
 keeping Re-
 gister, &c.
 by Act of
 Sederunt.

existing ; and all objections shall be presented in writing, and shall forthwith be disposed of in a summary manner by the Sheriff, but without prejudice to the Sheriff, if he see cause, allowing parties to be heard *vivâ voce* thereon.

17.
Proceedings
may be advoca-
ted for Jury
Trial.

And be it Enacted, That in all cases in which there are competing 5
Petitions conjoined as aforesaid, or in which any person has compe-
tently appeared to oppose any Petition of Service presented to the
Sheriff in terms of this Act, it shall be competent to either party who
may conceive the case proper to be disposed of by jury trial, at any
time before the proof is begun to be taken by the Sheriff in manner 10
before provided, to present a Note of Advocation to the Court of
Session, praying the Court to advocate the proceedings in order that
the case may be tried by a jury, which Note of Advocation shall be pro-
ceeded with in like manner with Notes of Advocation presented with a
view to jury trial against judgments of the Sheriff-courts of Scotland 15
according to the existing practice ; and such judgment shall be pro-
nounced on the said Note of Advocation as shall be just; and in the
event of its appearing proper that the case should be tried by a jury,
the Lord President of either of the Two Divisions of the said Court, or
such other of the Lords of Session as the Court may appoint, or as 20
may be arranged by the Lord President of the Division, shall be the
Judge at the trial, and preside thereat in like manner as is done accord-
ing to the existing practice in trials by jury, and the jury shall be
chosen and summoned in like manner as on such trials ; and the verdict
to be returned by the jury shall be equally final and conclusive with the 25
verdicts at present returned in trials by jury in the said Court, but
with all and the like remedies by Bill of Exceptions, Motion for new
Trial, or otherwise at present competent: Provided always, That in
every case in which the jury shall find a verdict in favour of a party
petitioning to be served, the Court shall, at the same time with applying 30
such verdict, remit to the Sheriff from whom the case was advocated,
with instructions to pronounce a decree serving the said party in terms
of this Act, which decree may thereafter be extracted, and the extract
thereof recorded and given out in manner and to the effect before
provided. 35

18.
Judgment
refusing to
serve may be
advocated.

And be it Enacted, That in every case in which the Sheriff has
refused to serve a petitioner, or dismissed his petition, either without
any opposing party having appeared, or on opposition entered without
any competing petition conjoined as aforesaid, it shall be lawful to bring
the said judgment under review by Note of Advocation presented to 40
the Court of Session : Provided always, That such Note shall be pre-
sented within *Fifteen*, or, where the proceedings have been taken in the
Courts of Orkney or Shetland, *Thirty* Days from the date of the said
judgment ; and that where the judgment has been pronounced after
opposition

opposition duly entered, such Note shall be intimated to the said opposing party, and a bond of caution for expenses be lodged with the Sheriff-clerk, in like manner and under the same regulations as in the case of Advocations of final judgments of the Sheriff-courts of Scotland

5 according to the presently existing practice ; and such Note shall be proceeded with in like manner with the Notes of Advocation against final judgments aforesaid ; and it shall be competent to the said Court, if it shall appear necessary for the right determination of the case, to allow further or additional evidence to be taken, or to remit to the

10 Sheriff to take the same, or to appoint the case, or special issues therein, to be tried by a jury in manner and to the effect and with all and the like remedies as are before provided, and such judgment shall be pronounced on such Note of Advocation as shall be just : Provided always, That in every case in which the Sheriff has refused to serve,

15 but in which the Court of Session shall be of opinion that the party ought to be served, a remit shall be made to the Sheriff, with instructions to pronounce a Decree serving the said party in terms of this Act, which Decree may be thereafter extracted, and the extract thereof transmitted to Chancery, and recorded in manner and to the effect

20 before provided : Provided also, That nothing herein contained shall prejudice the right of any person, whose Petition of Service shall be refused without any opposing or competing party having appeared, to present a new petition at any time thereafter, or the right of either party in any of the proceedings hereby authorized in the Court of the

25 Sheriff, to bring under challenge whatever judgment may be pronounced therein by process of reduction before the Court of Session on any competent ground.

And be it Enacted, That in every case in which a process of reduction of any Decree of Service shall be brought before the Court of Ses-

30 sion, it shall be competent to the said Court, if it shall appear necessary for the right determination of the case, either to allow further or additional evidence to be taken in such manner as may appear proper, or to appoint the case, or special issues therein, to be tried by a jury ; and such jury trial shall proceed in the same manner and to the like

35 effect and with all and the like remedies as are before provided in regard to jury trials under Notes of Advocation, and such judgment shall be pronounced in the said process as shall be just : Provided always, That wherever the judgment of the Sheriff brought under reduction has proceeded on competing petitions conjoined as aforesaid, and the Court of

40 Session shall determine that a different person should be served from the person preferred by the Sheriff, a remit shall be made to the Sheriff, with instructions to pronounce a Decree serving the said person in terms of this Act, which Decree may be thereafter extracted, and the extract thereof recorded and given out in manner and to the effect before provided ; and in any case of Reduction of a Service, the judgment

19.
Procedure
when a Decree
of Service is
brought under
reduction.

Effect of the
Decree of
Reduction.

of this Act, which Decree may be thereafter extracted, and the extract thereof recorded and given out in manner and to the effect before provided ; and in any case of Reduction of a Service, the judgment shall be conclusive, as between the parties to the suit, against the party whose service is reduced, and shall have the same effect as if the action had contained a conclusion of declarator that the party served was not entitled to be served in the character claimed, and judgment had been pronounced in terms of that conclusion.

20.
Forms and
effect of pro-
cedure in the
Court of
Session.

And be it Enacted, That all proceedings authorized by the present Act to be taken in the Court of Session shall commence and be carried on in the same manner with the same description of proceedings in ordinary civil cases, and any judgment pronounced by the Lord Ordinary therein may be brought under review of the Inner House by reclaiming note in like manner as in such cases ; and all judgments to be pronounced by the Court of Session in terms of this Act shall be equally final and conclusive with the judgments pronounced by the said Court in ordinary civil cases, and shall not be liable to review by reduction or otherwise, save and except to such extent and effect as judgments by the said Court in ordinary civil cases are so liable : Provided always, That it shall be competent to appeal against the said judgments to the House of Lords in like manner as against judgments of the Court in ordinary civil cases aforesaid.

21.
A Decree of
Special
Service, be-
sides opera-
ting as a
Retour, shall
have the
operation and
effect of a
disposition
from the
deceased to
his heirs.

And be it Enacted, That for the purpose of completing the feudal title of the heir so served, but of such heir only, every Decree of Special Service shall contain a Precept of Sasine, and such Decree being pronounced and extracted as aforesaid, shall to all intents and purposes be held equivalent to and have the full legal operation and effect of a disposition in ordinary form granted by the party deceased, being last infeft, of the lands contained in such service to and in favour of the heir so served, and to his other heirs and successors entitled to succeed under the destination of the lands contained in the deceased's investiture thereof, but under the whole conditions and qualifications of such investiture as set forth or referred to in such extracted Decree of Special Service, containing obligation to infeft by two several infeftments and manners of holding, one thereof to be holden of the deceased and his heirs in free blench for payment of a Penny Scots in name of Blench-farm at Whitsunday yearly, upon the ground of the said lands, if asked only, and freeing and relieving the deceased and his heirs of all feu-duties and services exigible out of the said lands by their immediate lawful superiors thereof, and the other of the said infeftments to be holden from the deceased and his heirs of and under their immediate lawful superiors, in the same manner that the deceased, his predecessors and authors held or might have holden the same, and that by confirmation, with assignation to the whole writs and rents of the lands, and

and precept of sasine for infefting the party served and his successors in the lands, all in common form ; and in order that such sasine may be so taken by and the feudal title be completed in the person of the heir so serving, it shall be lawful and competent for him to use such

5 Decree of Special Service in the same manner and to the same effect as if such Decree were actually a disposition of the nature above mentioned, and, in particular, he shall be entitled to obtain infeftment in the said lands in virtue of the precept of sasine in such Decree of Special Service, any notary-public to whom such

10 extracted Decree may be presented being hereby authorized to give infeftment in virtue thereof accordingly, which infeftment may be in the form given in the Schedule (C.) hereunto annexed, and shall, with such Decree of Special Service, form as effectual an investiture in the said lands, holding base of the deceased

15 and his heirs, until confirmation thereof shall be granted by the deceased's superior or his successors, as if such investiture had been created by a disposition from the deceased as aforesaid, with an infeftment passed on the precept of sasine therein contained ; but such service shall not be transmissible for the purpose of infefting in

20 manner and to the effect aforesaid the heir or assignee of the person so served : Provided always, That such Decree and Sasine, notwithstanding of any prohibition against sub-infeudative or alternative holding, contained in the charter or contract, or other deed by which the vassal's right is constituted, shall form a valid feudal investiture

25 in favour of such heir without prejudice to the right of the superior to require such heir to take forthwith as acords of law, and to deal otherwise with such heir as a vassal unentered.

And be it Enacted, That such Decree of Special Service shall have the full effect and operation aforesaid, although the deceased should

30 have died in nonage or been of insane mind, or laboured under any other disability whatever, and as if a disposition in the terms aforesaid had been granted by the party deceased when of full age and capacity to grant it.

22.
The deceased's incapacity to be no hindrance.

And be it Enacted, That no Decree of Special Service to be obtained

35 in virtue of this Act shall operate or be held as equivalent to or as implying a General Service to the deceased in the same character, except as to the particular lands and other heritages thereby embraced ; and every such Decree of Special Service shall infer only a limited passive representation of the deceased, and the person

40 thereby served as heir shall be liable for the deceased's debts and deeds only to the extent or value of the lands and other heritages embraced by such Special Service, and no farther.

23.
A Special Service not to infer a General Representation, either active or passive.

And be it Enacted, That in any Petition for Special Service as heir of line or heir male, it shall be competent to the petitioner to

24.
CLAUSE (A.)
Heir of line or Heir-male may petition for General Service.

pray for General Service in the same character, and Decree may be pronounced in terms of such prayer, as well as for Special Service; and no farther notice or publication of the Petition of Service shall in such case be necessary than is hereby required for such Petition of Special Service.

5

25.
A General
Service may
be applied for
and obtained
to a limited
effect by
annexing a
Specification;

And be it Enacted, That from and after the Fifteenth day of November One thousand eight hundred and Forty-seven, it shall be lawful for any person presenting a Petition for General Service to a deceased person to state in such Petition, in the form, as nearly as the case will admit, pointed out in Schedule (D.) hereunto annexed, that he desires the effect thereof to be limited to certain lands or other heritages which belonged to the deceased, and which shall be embraced in a particular Specification thereof, to be annexed to such Petition for General Service; which Specification shall be in the form, or as nearly as may be in the form given in the said Schedule (D.), and shall be subscribed by the petitioner or his mandatory; and in preparing an abstract of such Petition for insertion in the minute-book of the Court in which it shall be presented, and for publication, it shall be described as a Petition for General Service, with Specification annexed; and the Sheriff to whom such Petition for General Service, with a Specification annexed, shall be presented, in pronouncing Decree of Service on such Petition, shall make reference to the Specification annexed thereto, and shall limit such Decree of Service to the lands and other heritages described in the said Specification; and the effect of such Decree shall accordingly be taken and held in law as so limited; and the extract of such Decree shall be in the form or as nearly as may be in the form pointed out in the said Schedule (D.), and a copy of such Specification shall be embodied in the said Extract Decree, and shall be signed by the Sheriff Clerk and recorded as part thereof; and every such Decree of General Service, with Specification annexed, shall infer only a limited passive representation of the deceased, and the person thereby served as heir shall be liable for the deceased's debts and deeds only to the extent or value of the lands or other heritages contained in the relative Specification.

and it shall
infer only a
limited
passive Repre-
sentation.

26.
Precepts of
Clare constat
and Entries
More Burgi
to remain un-
affected.

And be it Enacted, That nothing herein contained shall in any way affect the law or practice presently existing in regard to the entry of heirs by precept of Clare constat, or the service and entry of heirs More Burgi, in burghs, in tenements holden in burgage, or by any similar mode of tenure known and effectual in law.

27.
Jurisdiction of
the Sheriff of
Chancery.

And be it Enacted, That the Sheriff of Chancery shall have and possess such and the like authority and jurisdiction to entertain, try and adjudicate, but in the manner prescribed and directed by this Act, all questions of and relating to the service of heirs, as any Sheriff or

or Judge Ordinary now has and possesses in any case competent before such Sheriff or Judge Ordinary.

And be it Enacted, That it shall be competent to the said Court of Session, and they are hereby authorized and required
5 from time to time to pass such Acts of Sederunt as shall be necessary or proper for regulating in all respects the proceedings under this Act before the Sheriff of Chancery, or Sheriffs of Counties, and following out the purposes of this Act; and the fees to be paid in respect of any of the proceedings to be taken in virtue hereof, and
10 also the charges to be made by agents and solicitors, whether in the Inferior Court or Court of Session, for any proceedings under this Act, shall be audited and taxed in the same manner as charges for other judicial proceedings in the said Courts respectively are audited and taxed.

28.
Power to the Court of Session to pass Acts of Sederunt.

And be it Enacted, That it shall be lawful for one of Her Majesty's Principal Secretaries of State from time to time to appoint a fit person being a person qualified for the office of Sheriff of a county in Scotland, to be the Sheriff of Chancery for the purposes of this Act; and also to appoint a fit person to act both as Sheriff-Clerk of Chancery
15 and as Clerk to the Presenter of Signatures in Exchequer.

29.
Appointment of Sheriff of Chancery.

Provided always, and be it Enacted, That the Sheriff of Chancery shall, when authorized and required by the Lord Justice General and President of the Court of Session, discharge the duties at present or which may hereafter be attached to the office of Presenter of Signatures,
25 or any part of these duties, and that during such part of the year as may be required of him.

30.
Sheriff of Chancery, if required, to discharge the duties of Presenter of Signatures.

And be it Enacted, That the Sheriff of Chancery and Sheriff-Clerk of Chancery shall respectively receive such salaries in respect of their offices as shall be from time to time fixed by the Lord
30 High Treasurer of the United Kingdom of Great Britain and Ireland, or by the Commissioners of Her Majesty's Treasury of the said United Kingdom, or any Three or more of them, and such salaries shall be payable out of the fees receivable in the office of Chancery, and form a part of the incidental expenses of the said office, and
35 shall be stated and audited in the public accounts of the Director and Clerks of Chancery.

31.
Payment of the Sheriff and Sheriff-Clerk of Chancery.

And be it Enacted, That whenever any vacancy shall occur in the office of Sheriff of Chancery, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to regulate the salary of the Sheriff of Chancery, as the then circumstances of the office may require.

32.
Salary to be regulated by Commissioners of the Treasury when vacancy occurs.

33.
Compensation,
how to
be applied for.

And be it Enacted, That it shall be lawful for any person who conceives that he is entitled to compensation for loss to be suffered through the operation of this Act, to make application to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, claiming such compensation ; and it shall be lawful for the said Lord High Treasurer or Commissioners of Her Majesty's Treasury to investigate such claim, and call for such evidence in relation thereto as he or they may think necessary ; and upon such claim being established to his or their satisfaction the said Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three of them, is and are hereby authorized and empowered to award to such person such compensation as he or they shall think him entitled to, either by the payment of a gross sum or by way of annuity, as he or they shall think proper : Provided always, That a copy of every such award for compensation shall be laid before both Houses of Parliament within Ten Days from the date thereof, if Parliament shall be then sitting, and if not, then within Ten Days after the commencement of the Session next ensuing, and no such award shall be final and conclusive until Two Months after the same shall have been so laid before Parliament : Provided also, That if any person to whom compensation shall be so awarded by way of annuity shall be afterwards appointed to any other public office, such compensation shall be accounted pro tanto of the salary payable to such person in respect of such other office while he shall continue to hold the same.

34.
Compensation,
how to
be paid.

And be it Enacted, *That the several compensations which may be awarded under the authority of this Act shall be payable and paid out of the monies which by the Acts of the seventh and tenth years of the reign of Her Majesty Queen Anne, were made chargeable with the fees, salaries and other charges allowed or to be allowed for keeping up the Courts of Session, Justiciary or Exchequer in Scotland.*

35.
Interpretation
of Act.

And be it Enacted, That the following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; (that is to say),

Words importing the singular number shall include the plural number, and words importing the plural shall include the singular number :

Words importing the masculine gender shall include females :

The word " Month " shall mean Calendar Month :

The

The word "lands" shall extend to and include teinds, fishings, patronages, houses, lands, tenements and heritages of every description, and generally all rights and subjects which may competently be taken up by General or Special Service :

- 5 The word "Sheriff" shall include Sheriff-substitutes and the Sheriff of Chancery appointed in virtue of this Act, and the Presenter of Signatures acting as his Suostitute.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

36.
Act may be
repealed.

SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

FORM OF PETITION OF GENERAL SERVICE.

Unto the Honourable the Sheriff of [specify the county or say "of Chancery"],
the Petition of A. B., [here name and design the Petitioner.]

Humbly sheweth,

That the late C. D. [here name and design the Ancestor to whom Service is sought]
died on or about the day of ; and had, at the time of
his death, his ordinary or principal domicile in the county of [or, furth of Scotland,
as the case may be].

That the Petitioner is the eldest Son and nearest lawful Heir [or state what other
relationship, or character of Heir, the party bears]; and if the Service is as Heir of
Provision, say, "Nearest lawful Heir of Provision, under and by virtue of a deed exe-
cuted by E. F., dated the day of "] in general of
the said C. D.

May it therefore please your Lordship to serve the Petitioner nearest and lawful
Heir in general to the said C. D., [or whatever other character of Heir is sought
to be established, here set it forth.]

According to Justice, &c.

(Signed by the Petitioner or his Mandatory.)

SCHEDULE (B.)

FORM OF PETITION OF SPECIAL SERVICE.

Unto the Honourable the Sheriff of [specify the county, or say "of Chancery"],
the Petition of A. B., [here name and design the Petitioner.]

Humbly sheweth,

That the late C. D. [here name and design the Ancestor] died on or about the
day of last, vest and seised in [here describe the
lands or subjects with reference to which the Service is sought] conform to Charter [or,
disposition, or Precept of Clare Constat, or whatever else was the deed on which the
Ancestor's

Ancestor's infeftment proceeded, here specify it], dated the _____ day of _____, and to Instrument of Sasine following thereon, recorded in the Register of Sasines, at _____ the _____ day of _____.

That the Petitioner is the eldest Son and nearest lawful Heir [or, state what other relationship or character the party bears, and if the Service is as Heir of Provision, say "Nearest lawful Heir of Provision,"] in special of the said C. D., in the lands and others foresaid.]

May it therefore please your Lordship to serve the Petitioner nearest and lawful Heir in special of the said deceased C. D., in the lands and others above described [or, whatever else is the character of Heir sought to be established, here set it forth as above].†

According to Justice, &c.

(Signed by the Petitioner or his Mandatory.)

SCHEDULE (C.)

(1.)

FORM of an INSTRUMENT of SASINE, on an EXTRACT DECREE of SPECIAL SERVICE, when the same is passed in favour of the Heir himself.

At _____ there was [by or] on behalf of A. B. [here state the Heir's name and designation], presented to me, Notary Public, subscribing an Extract Decree of Special Service obtained before the Sheriff of _____ [or, the Sheriff of Chancery], on the [here insert the date of the Decree], whereby the said Sheriff found that the late C. D. [here name and design the Ancestor] died last vest and seised in [here describe the lands or other subjects],* and that the said A. B. is the nearest and lawful Heir in Special of the said deceased C. D. in the lands and others aforesaid [or whatever else is the character of Heir mentioned in the Decree, here set it forth; and if there is an Entail, &c., add the qualifying words as in the Decree]; and by virtue of the said Extract Decree of Special Service, I hereby give sasine to the said A. B. of the lands and others above described. In witness whereof, I have subscribed these presents, written on this and the _____ preceding pages by E. F., my clerk, before these witnesses, the said E. F. and G. H., my apprentice.

E. F., Witness.

(signed) J. R., Notary Public.

G. H., Witness.

Note.—When the Lands are held under a Deed of Entail, or when there are real burdens, restrictions, reservations or other qualifications, insert them here as in the Decree.

* When the Lands are held under a Deed of Entail, here add, "But always with and under the conditions and provisions, and prohibitory, irritant and resolute clauses contained in a Deed of Entail granted by G. H., [here name and design the Granter] on the _____ day of _____ in favour of I. K., and the Heirs [here insert the whole destination of the Entail], and which conditions, and provisions, and clauses prohibitory, irritant and resolute, are herein referred to, as at length set forth in the said Deed of Entail, which is recorded in the Register of Entails on the _____ day of _____ [or as at length set forth in the above-mentioned registered Sasine in favour of the deceased, or as at length set forth in any other instrument of Sasine duly registered," or, if the Petitioner prefer it, he may here fully insert them.] And where there are any real burdens, restrictions or qualifications of any kind, either proper to be inserted or referred to, insert them here, or refer to them as at length set forth in the registered Sasine of the deceased, or in some previous instrument of Sasine duly registered.

† When there is an Entail, say, "But always under the conditions, provisions, restrictions, clauses prohibitory, irritant and resolute, and others above referred to or above written;" and where there are real burdens, &c., say, "But always with and under the real burdens, &c. above referred to or above written."

SCHEDULE (D.)

FORMS for a GENERAL SERVICE where it is to be limited in its effects by a Specification annexed.

(1.)

The Petition will be in the form of Schedule (A.), adding at the close of the statement of the Petitioner, " But the Petitioner desires that his General Service shall be limited to the contents of the Specification annexed;" and adding at the close of the prayer of Petition, " but under limitation as aforesaid to the contents of the Specification annexed."

(2.)

SPECIFICATION of the LANDS and other HERITAGES which belonged to the deceased C. D., referred to in the PETITION for GENERAL SERVICE presented to the Sheriff of by A. B., as Heir of in General to the said deceased C. D.

[Here insert a description of the lands and other heritages intended to be included in the Service, distinguishing each separate property or heritage, if there are more than one, by a separate number.]

[Signed by the Petitioner or his Mandatory.]

(3.)

EXTRACT DECREE of GENERAL SERVICE so limited.

[The form of extract will be as in Schedule (D.) (1.), adding at the end], " But limited and hereby limits this decree to the contents of the following Specification." Then insert the Specification at full length as a part of the Decree ; and attest the extract thus :

Extracted by me,
Sheriff-clerk [or, Sheriff-clerk of Chancery.]

Note.—Before being given out to the party, this extract shall be marked thus :—" Recorded on the page (or pages) of the Record of Services kept by me.

(signed)

" Sheriff-clerk [or, Sheriff Clerk of Chancery."]

Service of Heirs (Scotland).

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Law and Practice in Scotland
as to the Service of Heirs.

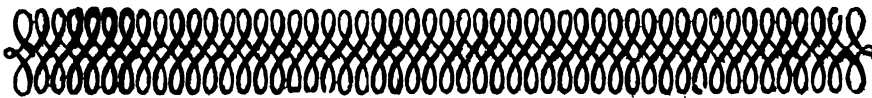
*(Prepared and brought in by
The Lord Advocate and The Solicitor General
for Scotland.)*

*Ordered, by The House of Commons, to be Printed,
26 April 1847.*

316.

Under 3 az.

17 June 1847.—10 VICT.



(Ireland.)

A

B I L L

To provide for the Repayment of Sums due by the County of the City of Limerick for Advances of Public Money for the Improvement of the Navigation of the River Shannon.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

W~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ by the provisions of an Act passed in the Preamble.
Session of Parliament holden in the third and fourth years
of the reign of Her present Majesty, intituled, “An Act for the Regu-
lation of Municipal Corporations in Ireland,” and of another Act
5 passed in the same Session, intituled, “An Act to annex certain Parts
of certain Counties of Cities to adjoining Counties, to make further
Provision for Compensation of Officers in Boroughs, to limit the
Borough Rate, and to continue for a limited time ‘An Act to restrain
the Alienation of Corporate Property in Ireland,’” certain alterations
10 were made in the boundaries of the county of the city of Limerick,
as then existing, and of the ancient liberties thereof; and certain parts
or portions thereof, which before the passing of said Act formed a
part of said county of the city of Limerick, are not included within
the boundaries defined under the said first-mentioned Act as the
15 boundaries of the borough of Limerick, and said parts and portions
so excluded from the said county of the city of Limerick are by
the said secondly mentioned Act made, for all the purposes of Grand
Jury presentments and of Criminal Jurisdiction, and also of Civil
Jurisdiction of the Superior Courts of Common Law in Dublin, part
20 of the county of Limerick: And whereas under the provisions of an
Act passed in the Session of Parliament holden in the fifth and sixth
years of his late Majesty King WILLIAM the Fourth, intituled, “An
Act for the Improvement of the Navigation of the River Shannon,”
524. A and

and of another Act passed in the Session of Parliament holden in the second and third years of the reign of Her present Majesty, intituled, "An Act for the Improvement of the Navigation of the River Shannon," the said county of the city of Limerick, as originally bounded and defined, became liable to repay to the Lords Commissioners of Her Majesty's Treasury the sum of Two thousand three hundred and fifty-eight Pounds Eighteen Shillings and Eleven-pence Three Farthings for principal, and a sum for interest, which, when computed up to the Twenty-eighth day of February in the year One thousand eight hundred and Forty-eight, will amount to the sum of Five hundred and eleven Pounds Three Shillings and Four-pence, as and for the proportion of the said county of the city of Limerick, as originally bounded and defined, towards the repayment of the whole of the monies issued and advanced to the Commissioners for the Improvement of the River Shannon, under the authority of the said last-mentioned Act for the purposes thereof, as appears by the certificate of the said Commissioners acting in the execution of the said Act: And whereas by a certain award duly made pursuant to the said Act of the third and fourth years of Her present Majesty, secondly above recited, it was determined that the parts, portions or precinct of the county of the city of Limerick annexed under and by virtue of the said last-mentioned Act to the county of Limerick should contribute Four-fifths, and that the borough of Limerick, as now defined by the said first-mentioned Act, should contribute One-fifth part of the debts due by the said county of the city of Limerick as originally bounded and defined: And whereas such proportions appear to be just and reasonable for the apportionment of the said principal sum and interest upon the said borough, and the said districts so constituting part of the county of the city of Limerick, as originally bounded and defined, and now added to the said county of Limerick as aforesaid; and it is expedient that provision should be made for the payment at the Spring Assizes of the year One thousand eight hundred and Forty-eight of the whole of the said sum of Five hundred and eleven Pounds Three Shillings and Four-pence which will be then due for interest as aforesaid, according to the proportions aforesaid, and also for the repayment, according to the like proportions, of the said principal sum of Two thousand three hundred and fifty-eight Pounds Eighteen Shillings and Eleven-pence Three Farthings, with the further interest thenceforth to accrue on the balances of the principal thereof from time to time remaining unpaid, by Twelve equal half-yearly instalments; which said principal sum, with such further interest, and which said instalments, apportioned according to such proportions as aforesaid, are calculated to amount to the respective sums hereinafter mentioned in that behalf; ~~It is therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said borough or county of the city of Limerick, as now constituted, shall be and be deemed and are hereby declared to be liable to pay

5 the sum of *Four hundred and seventy-one Pounds Fifteen Shillings and Nine-pence Halfpenny*, with interest, as hereinafter mentioned, as and for the share and proportion of the said borough towards the said principal sum of *Two thousand three hundred and fifty-eight Pounds Eighteen Shillings and Eleven-pence Three Farthings* so due

10 to the Commissioners of Her Majesty's Treasury, and to pay the sum of *One hundred and two Pounds Four Shillings and Eight-pence*, as and for the share and proportion of the said borough towards the said sum of *Five hundred and eleven Pounds Three Shillings and Four-pence* so due and computed for interest as aforesaid; and that the

15 parts, portions or precinct aforesaid annexed to the county of Limerick as aforesaid, shall be and be deemed liable to pay and contribute the sum of *One thousand eight hundred and eighty-seven Pounds Three Shillings and Two-pence Farthing*, with interest, as hereinafter mentioned, as and for the share and proportion of the said parts, portions

20 or precinct towards the said sum of *Two thousand three hundred and fifty-eight Pounds Eighteen Shillings and Eleven-pence Three Farthings* so due to the Commissioners of Her Majesty's Treasury for principal as aforesaid, and to pay and contribute the sum of *Four hundred and eight Pounds Eighteen Shillings and Eight-pence*, as and for the share

25 and proportion of the said parts, portions or precinct towards the said sum of *Five hundred and eleven Pounds Three Shillings and Four-pence* due to the said Commissioners of Her Majesty's Treasury for interest as aforesaid.

And be it Enacted, That the Grand Jury for the county of the city

30 of Limerick, as now constituted, and the Grand Jury for the county of Limerick respectively, shall and they are hereby required, at the Spring Assizes of the year *One thousand eight hundred and Forty-eight*, to be held for the said county of the city of Limerick and county of Limerick respectively, to present to be raised off the said

35 borough or county of the city of Limerick, as now constituted, and off the parts, portion or precinct which formed part of said county of the city of Limerick, but are now annexed as aforesaid to the said county of Limerick respectively, the aforesaid sums of *One hundred and two Pounds Four Shillings and Eight-pence*, and *Four hundred and eight*

40 *Pounds Eighteen Shillings and Eight-pence*, to which they are hereby respectively declared liable as aforesaid for interest, and to be paid to the said Lords Commissioners of Her Majesty's Treasury; and the said Grand Jury for the county of the city of Limerick, at the Spring Assizes, in the year One thousand eight hundred and Forty-eight, shall and they

1.
The present county of the city of Limerick and the precincts thereof, now annexed to the county of Limerick, shall be liable to the respective proportions as herein mentioned of the debt due to the Treasury in respect of the improvement of the River Shannon.

2.
The respective Grand Juries of the county of the city and of the county of Limerick shall at the Spring Assizes of 1848 present their respective proportions of interest to be raised and paid forthwith; and their respective proportions of the principal, with further interest to be raised and paid by Twelve instalments.

are hereby required to present the *One-twelfth* part of the said principal sum of Four hundred and seventy one Pounds Fifteen Shillings and Nine-pence Halfpenny, with the interest thereafter to accrue on the said *One-twelfth*, at the rate of Four Pounds per centum per annum, from the date of said presentment to the then ensuing Summer Assizes, when same is to be repaid to the said Commissioners of Her Majesty's Treasury; and the said Grand Jury for the said county of the city of Limerick, at each ensuing assizes for the period of Five Years and a half, shall and they are hereby required to present another *One-twelfth* part of the said principal sum of Four hundred and Seventy-one Pounds Fifteen Shillings and Nine-pence Halfpenny, with interest at the rate aforesaid, from said Spring Assizes One thousand eight hundred and Forty-eight to the Assizes next ensuing the said presentment, so as that said principal sum shall be raised and paid by Twelve equal half-yearly instalments, amounting to *Thirty-nine Pounds Six Shillings and Three-pence Three Farthings* each, together with interest thereon at the rate aforesaid, such instalments to be raised and levied off the said county of the city of Limerick, as now constituted, and the first of such instalments to be payable and paid at the Summer Assizes of the year One thousand eight hundred and Forty-eight, and the other instalments to be successively immediately after each successive Assizes, until the whole of such sum and instalments shall have been paid; and the said Grand Jury of the county of Limerick, at the Spring Assizes in the year One thousand eight hundred and Forty-eight, shall and they are hereby required to present the *One-twelfth* part of the said principal sum of One thousand eight hundred and eighty-seven Pounds Three Shillings and Two-pence Farthing, with interest thereafter to accrue on the said *One-Twelfth*, at the rate of Four Pounds per centum per annum, from the date of said presentment, to the then ensuing Summer Assizes, when same is to be repaid to the said Lords Commissioners of Her Majesty's Treasury; and the said Grand Jury for the said county of Limerick, at each ensuing Assizes for the period of Five Years and a half, shall and they are hereby required to present another *One-twelfth* part of said principal sum of One thousand eight hundred and eighty-seven Pounds Three Shillings and Two-pence Farthing, with interest at the rate aforesaid, from said Spring Assizes One thousand eight hundred and Forty-eight to the Assizes next ensuing the said presentment, so as that said principal sum shall be raised and paid by Twelve equal half-yearly instalments amounting to *One hundred and fifty-seven Pounds Five Shillings and Three-pence Farthing* each, together with interest thereon at the rate aforesaid; such instalments to be raised and levied off the parts, portion or precinct aforesaid now annexed to the county of Limerick, and the first of such instalments to be payable and paid at the Summer Assizes of the year One thousand eight hundred and Forty-eight, and the other instalments to be paid

paid successively immediately after each successive Assizes, until the whole of the said sum and of such last-mentioned instalments shall have been paid; and in case the Grand Jury of the county of the city of Limerick or county of Limerick shall neglect or refuse to make
 5 said presentments or any of them, then and in such case the Treasurer for the time being of the said borough or now county of the city of Limerick, and the Treasurer for the time being of the said county of Limerick, respectively, shall and they are hereby respectively required, without further presentment or authority, in that behalf, to insert respec-
 10 tively in their warrants, to be issued after the said respective Spring Assizes of the year One thousand eight hundred and Forty-eight, for the levying of public money off the said county of the city of Limerick and county of Limerick respectively, the amount of the sums hereby respectively directed to be raised and paid for interest as aforesaid,
 15 and also to insert respectively in such their warrants to be issued after the Spring Assizes of the year One thousand eight hundred and Forty-eight, and the several succeeding Assizes, the amount of the respective instalments hereby directed to be raised and paid as afore-
 20 said, when and as the same shall be leviable respectively under this Act, in addition to the other monies to be levied after each such Assizes; and any such respective sums, when raised and levied as aforesaid, shall be paid over by such respective Treasurer to such bank or person and in such manner as the said Commissioners of Her Majesty's Treasury shall direct.

25 AND whereas under the provisions of the said recited Acts of the fifth and sixth years of his late Majesty's reign, and of the second and third years of Her present Majesty's reign, the county of Limerick, as originally bounded and defined, became liable to repay to the Commissioners of Her Majesty Treasury a certain sum for principal and
 30 interest, as the proportion of the said county of Limerick towards the repayment of the whole of the monies advanced to the Commissioners for the improvement of the River Shannon as aforesaid: AND whereas, by reason that the said parts, portions or precinct of the county of the city of Limerick have as aforesaid become part of the
 35 county of Limerick, and have thereby become liable to be assessed, and have, as being part of the county of Limerick, hitherto been assessed with and have paid divers sums of money for and on account of the said proportion of the said county of Limerick towards the repayment of the monies so advanced to the Commissioners for the
 40 improvement of the River Shannon: AND whereas, in consideration that by the provisions of this Act the said parts, portions or precinct are made liable to pay and contribute to said proportion of charge payable as aforesaid by the county of the city of Limerick, the said parts, portions] or precinct ought therefore to be reimbursed for the sums so paid in respect of the said proportion of charge payable by

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3.
 The precincts of Limerick not to be liable to the proportion payable by the county of Limerick, and such precincts shall be credited with the amount already paid.

the county of Limerick, and ought to be exonerated from any further payment in respect of the same ; BE it therefore Enacted, That the said parts, portions or precinct so annexed to and become part of the county of Limerick, shall not be liable or bound to contribute to the payment of the said proportion, or any part thereof, payable by the county of Limerick towards the repayment of the monies so advanced for the improvement of the River Shannon ; and the Grand Jury of the county of Limerick, at the Spring or Summer Assizes for the year One thousand eight hundred and Forty-eight, shall and they are hereby required to ascertain the total amount of the sums from time to time levied from and paid by the said parts, portions or precinct, as annexed to the said county, for or in respect of the said proportion payable by the said county of Limerick as aforesaid ; and when the same shall have been so ascertained, the Grand Jury of the said county of Limerick shall and they are hereby required to allow credit to the said parts, portions or precinct for the sum so ascertained as against the funds and monies of the rest of the said county of Limerick, exclusive of the said parts, portions or precinct, and shall and they are hereby required to present the amount of the so ascertained sum to be again assessed upon and to be levied and raised on and from the rest of the said county of Limerick, exclusive of the said parts, portions or precinct ; and the said sum shall be accordingly so raised and levied in like manner and subject to like provisions and regulations as other monies duly presented by the said Grand Jury are raised and levied, save that no part of the said sum shall be raised or levied off the said parts, portions or precinct so annexed to the said county as aforesaid ; and the said sum, or every part thereof, as the same shall be from time to time raised or levied, shall be applied to replace the amount of the sum for which credit shall have been so allowed to such parts, portions or precinct as aforesaid.

4.
Act may be amended,
ed, &c. this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Shannon Navigation.

(Ireland.)

A

B I L L

To provide for the Repayment of Sums due
by the County of the City of Limerick for
Advances of Public Money for the Im-
provement of the Navigation of the River
Shannon.

(Prepared and brought in by
Mr. Solicitor-General for Ireland and
Mr. Labouchere.)

Ordered, by The House of Commons, to be Printed,
17 June 1847.

524.

Under 1 oz.

31 May 1847.1 0 VICT.



A

B I L L

To continue certain of the Allowances of the
Duty of Excise on Soap used in Manufactures.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

- W**H **HEREAS** by an Act passed in the third year of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act to repeal the Duties, Allowances and Drawbacks of Excise on Soap, and to grant other Duties, Allowances and Drawbacks in lieu thereof," certain allowances of the Duties of Excise paid on Soap were granted in respect of Soap used in certain manufactures, and processes set forth in the said Act, and which allowances were to cease at the end of the Session of Parliament next after the Thirty-first day of May One thousand eight hundred and Thirty-five :
- 5**
- 10** And whereas by subsequent Acts, and particularly by an Act of the seventh and eighth years of the reign of Her Majesty Queen VICTORIA, the said allowances (except the allowance for the whitening of new linen in the piece for sale) were continued until the end of the Session of Parliament next after the Thirty-first day of July One
- 15** thousand eight hundred and Forty-six :
- Preamble:**
3 & 4 Will. 4,
c. 16.
7 & 8 Vict.
c. 51.

And whereas it is expedient that the said allowances (except as aforesaid) should be further continued ;

BE it therefore **Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

453.

Certain
Allowances
of the Duty
on Soap to be
continued.

assembled, and by the Authority of the same, THAT the said allow-
ances (except the allowance of the Duty on Soap used, employed or
consumed in the whitening of new linen in the piece for sale) shall
continue and remain payable until the End of the Session of Parliament
next after the *Thirty-first day of July One thousand eight hundred* 5
and Forty-eight, in like manner as if the same had been made pay-
able until that time by the said first-recited Act.

Soap Allowances.

A

B I L L

To continue certain of the Allowances of the
Duty of Excise on Soap used in Manu-
factures.

(Prepared and brought in by
Mr. Parker and the Chancellor of the
Exchequer.)

Ordered, by The House of Commons, to be Printed,
31 May 1847.



A

B I L L

To transfer the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages and Railway Passengers from the Commissioners of Stamps and Taxes to the Commissioners of Excise.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ the collection and management of the several and respective Duties hereinafter specified and described are now by law vested in the Commissioners of Stamps and Taxes, and it is expedient to transfer the same to the Commissioners of Excise ; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the

5 in the year of our

10 Lord the several

and respective Duties hereinafter specified and described ; (that is to say) the Duties granted and now payable in Great Britain by and under an Act passed in the fifth and sixth years of the reign of Her present Majesty, for and in respect of Stage Carriages, and Licenses

15 for keeping, using or employing Stage Carriages, and for and in respect of Passengers conveyed upon Railways, and also the Duties granted and now payable by and under an Act passed in the first and second years of the reign of his late Majesty King WILLIAM the Fourth, for and upon and in respect of Licenses to keep, use, employ and let to hire

20 Hackney Carriages within the distance of Five Miles from the General Post Office in the City of London, shall be and the same are hereby transferred to and placed under the care and management of the Commissioners of Excise for the time being ; and the said several and respective Duties shall thenceforth be denominated and

Preamble.

1.
Duties in respect of Stage Carriages and Hackney Carriages, and Licenses for such Carriages respectively, and in respect of Railway Passengers, transferred to the Commissioners of Excise.

deemed to be Duties of Excise, and shall be raised, levied, collected and accounted for by and under the authority of the Commissioners of Excise and their officers, any thing in any former Act or Acts contained to the contrary notwithstanding.

2.
Powers and
provisions of
Acts to be
executed by
Commission-
ers and
Officers of
Excise.

And be it Enacted, That from and after the said
all the powers, provisions, regulations and
directions now in force contained in the said several Acts hereinbefore
mentioned or referred to, or in any other Act or Acts, and which at
the time of the passing of this Act may lawfully be executed and en-
forced by the Commissioners of Stamps and Taxes or their officers, 10
in relation to the said respective Duties hereby transferred as aforesaid,
or any of them, or in relation to Stage Carriages or Hackney Carriages,
or the drivers or conductors of any such Carriages, shall be executed
and enforced by the Commissioners of Excise and their officers respec-
tively, as fully and effectually to all intents and purposes as if such 15
powers, provisions, regulations and directions had been repeated and
re-enacted in this Act, and expressly given to the said Commissioners
of Excise and their officers respectively; and that all the powers,
provisions, regulations and directions, forfeitures, pains and penalties 20
contained in or imposed by any Act or Acts now in force relating to
the said respective Duties hereby transferred as aforesaid, as well as the
powers, provisions, regulations and directions, forfeitures, pains and
penalties contained in or imposed by any Act or Acts in force in rela-
tion to any of the Duties of Excise, so far as such last-mentioned powers,
provisions, regulations and directions, forfeitures, pains and penalties 25
shall be applicable to the said respective Duties hereby transferred as
aforesaid, and so far as the same shall not be inconsistent with the
special powers, provisions, regulations and directions, forfeitures, pains
and penalties now in force in relation to the said respective Duties
hereby transferred as aforesaid, shall be of full force and effect, and 30
shall be applied, enforced and put in execution for raising, collecting,
levying, recovering and securing the said last-mentioned Duties, and
for preventing, detecting and punishing all frauds, forgeries and other
offences relating thereto, as fully and effectually to all intents and pur-
poses as if such powers, provisions, regulations and directions, for- 35
feitures, pains and penalties were repeated and specially enacted in
this Act with reference to the said respective Duties hereby transferred
as aforesaid; and wherever in any Act or Acts now in force in relation
to the said last-mentioned respective Duties, or to Stage Carriages or
Hackney Carriages, or the drivers or conductors of any such Carriages, 40
the Head Office for Stamps or for Stamps and Taxes, or the Solicitor
of Stamps or for Stamps and Taxes, or any Officer of Stamp Duties
or for Stamps and Taxes, is mentioned or designated, the same shall in
relation to the said respective Duties hereby transferred as aforesaid,
and to Stage Carriages and Hackney Carriages and the said drivers and
conductors

conductors respectively, be deemed and taken to mean the Chief Office of Excise in London, the Solicitor of Excise, and any Officer of Excise respectively.

3.
Bonds and Securities given by Railway Companies to account for Duties to be applicable to the Duties when transferred to the Commissioners of Excise.

And be it Enacted, That every bond which before or upon the said
5 shall have been given by the proprietor or company of proprietors of any railway for accounting for and paying to the Receiver-general or any other Officer or Officers of Stamps and Taxes the said Duties for or in respect of passengers conveyed upon railways, and every transfer of Stock or deposit of
10 Exchequer Bills which shall have been made in lieu of giving any such bond as aforesaid, shall, so far as relates to such Duties as shall become payable at any time and from time to time after the said last-mentioned day respectively, be and remain a good and valid security for accounting for and paying over the said last-mentioned Duties to
15 the Receiver-general or other Officer or Officers of Excise, and for that purpose, wherever in the condition of any such bond, or in any declaration relating to any such transfer or deposit as aforesaid, the terms and expressions following occur ; (that is to say) "Commissioners of Stamps and Taxes," "Receiver-general of Stamps and
20 Taxes," "Officer of Stamp Duties," or "Head Office for Stamps and Taxes in the City of Westminster," the same, so far as relates to the said Duties which shall become payable after the said last-mentioned day, shall be severally construed and read as if the following terms and expressions had been inserted in the said condition or declaration
25 and severally substituted for and in lieu of the said former terms and expressions ; (that is to say) "Commissioners of Excise" for and in lieu of "Commissioners of Stamps and Taxes," "Receiver-general of Excise" for and in lieu of "Receiver-general of Stamps and Taxes," "Officer of Excise" for and in lieu of "Officer of Stamp Duties," and
30 "Chief Office of Excise in the City of London" for and in lieu of "Head Office for Stamps and Taxes in the City of Westminster ;" and in all proceedings at law or in equity touching or concerning any of the said Duties which shall become payable after the said last-mentioned day, the condition of any such bond and every such declaration
35 as aforesaid shall respectively be pleaded and read as if such substituted terms and expressions had been originally inserted therein for and in lieu of the said other terms and expressions.

4-
Act not to affect existing Licenses.

Provided always, and be it Enacted, That nothing herein contained shall extend or be construed to terminate, affect or alter any License
40 which shall have been granted with relation to any of the said respective Duties on or before the said

, and which shall then be unexpired and in full force, but that every such License shall remain and continue as valid

and effectual for the purposes for which the same was granted, until the expiration thereof by effluxion of time or otherwise, as it would have been if this Act had not been passed.

5.
Act not to
extend to
arrears of
Duty or
Penalties in-
curred or
Offences com-
mitted on or
before the

Provided also, and be it Enacted, That nothing herein contained shall extend or be deemed or construed to extend to any arrears of the said Duties, or to any Penalties which shall respectively have been or be or become due or payable, or have been or be incurred before or upon the said or to any offence committed before or upon the said last-mentioned day, but that all such arrears of Duty and all such Penalties as afore- said shall respectively be collected, received, sued for and recovered, and all such offences shall be dealt with and punished as if this Act had not been made.

6.
Act may be
altered or
repealed this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Stage Carriages, &c. Duties.

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B I L L

To transfer the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages and Railway Passengers from the Commissioners of Stamps and Taxes to the Commissioners of Excise.

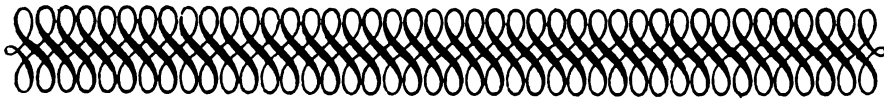
(Prepared and brought in by
Mr. Parker and the Chancellor of the
Exchequer.)

Ordered, by The House of Commons, to be Printed,
31 May 1847.

452.

Under 1 oz.

18 May 1847.—10 VICT.



A

B I L L

To continue the Exemption of Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

W~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ an Act was passed in the fourth year of the reign of Her Majesty, intituled, “An Act to exempt until the Thirty-first day of December One thousand eight hundred and Forty-one, Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor:” And whereas the said Act hath been since continued by sundry Acts until the First day of October in the year One thousand eight hundred and Forty-seven, and if Parliament be then sitting, to the end of the then Session of Parliament; and it is expedient that the said Act be further continued; **B**~~E **i**~~t **E**~~n**a****c****t****e****d**, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the first-mentioned Act shall continue in force until the *First day of October in the year One thousand eight hundred and Forty-eight, and to the end of the then next Session of Parliament.*~~~~~~

Preamble :
3 & 4 Vict.
c. 89.

1.
Recited Act continued.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

2.
Act may be amended.

Stock in Trade Exemption.

A

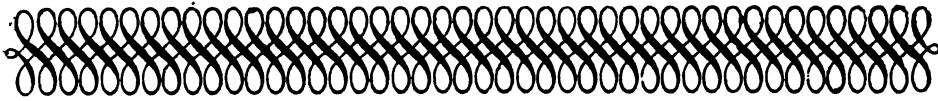
B I L L

To continue the Exemption of Inhabitants of Parishes, Townships and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

(*Prepared and brought in by
Sir William Somerville and Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
18 May 1847.*

8 March 1847.—10 VICT.



(Ireland.)

A

B I L L

To secure the Rights of Occupying Tenants in Ireland,
and thereby to promote the Improvement of the Soil
and the Employment of the Labouring Classes.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

W~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ it has long been the practice in Ireland that Preamble.
lands are let to the Tenants occupying the same on deter-
minable tenures or at will, without any suitable buildings or other
appendages having been made thereon by the Lessee, or any allowance
5 given in consideration thereof, either in the amount of rent charged for
the land or in any other form, or in consideration of any improve-
ments made or necessary to be made by draining or otherwise for the
proper culture of the soil :

And whereas it appears from Reports made to Parliament by
10 various Committees and Commissions appointed to inquire into the
condition of the People of Ireland, that in many parts thereof the
Occupying Tenant has just cause of complaint from his liability to
ejectment, without any security for due compensation for labour and
capital expended on the premises ; and it arises from thence that
15 improvement is checked, employment prevented, and disorder and
violence created ;

B~~E~~ it ~~therefore~~ Enacted, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, THAT from and after
the passing of this Act, every Tenant qualified as hereinafter stated,

127.

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and

1.
Every Tenant, hav-
ing made permanent
Improvements, shall
receive Compensation

tion, if ejected, for the value of his Tenant-right created by such Improvements, according to the rules and limitations hereinafter made.

and who shall have made permanent improvements on the premises in his occupation, shall be entitled, previous to the execution of any writ or process of ejectment, to receive compensation for the value of his "Tenant-right" created by such improvements, according to the rules and limitations in this Act hereinafter provided.

5.

2.

Claimant, on being served with notice to quit or notice of ejectment, &c., shall serve notice of claim on Landlord, with an offer of Arbitration and name of an Arbitrator; and also on offer of the Rent at which such Claimant would continue Tenant.

And be it Enacted, That if any Tenant shall be desirous to claim compensation under this Act, such Tenant shall, on service of a notice to quit, or on the demand of an increased rent by the Landlord, or on service of a declaration in ejectment being made on him by such Landlord, or within *Ten Days* after each respectively, serve on such Landlord a notice of such claim; which notice shall be in writing, and shall state the amount demanded by such Tenant, and shall also contain a proposal stating the rent at which such Tenant would be willing to continue as Tenant on the premises in lieu of such compensation in money, and also an offer on the part of the Tenant to refer all the aforesaid matters to arbitration, and which notice shall also contain the name of an Arbitrator to be appointed by such Tenant for the purposes of such arbitration; and in case the claim for compensation or the offer of the claimant to continue Tenant on the terms proposed by such Tenant shall not be acceded to by such Landlord or his agent, or adjusted by agreement between the parties, such Landlord shall, within *Ten Days* after the delivery of such notice, serve upon such Tenant a notice containing the name of an Arbitrator to act in the matter of such arbitration; and the said Two Arbitrators so appointed by the Tenant and the Landlord shall appoint a Third Arbitrator, and the said matters in dispute shall be referred to the Three Arbitrators appointed as aforesaid; and the said Arbitrators or any Two of them shall and are hereby authorized and empowered, by such means as they shall think proper, to settle the amount of compensation (if any) to which the Tenant shall be entitled under the provisions of this Act, and to make their award thereon in writing under their hands and seals, or under the hands and seals of any Two of them; and such Arbitrators shall within *Three Days* after the making of such award forward to each of the parties a copy thereof; and the expenses of such arbitration shall be paid by such party or parties or in such proportion as the said Arbitrators shall direct.

If Agreement be not made thereon, Landlord to appoint an Arbitrator within *Ten Days*.

The Two Arbitrators to appoint a Third Arbitrator.

Award to be signed by any Two of the Arbitrators.

A copy to be forwarded to each party.

3.

If Landlord proceeds with process of ejectment, Tenant may prove on trial that Award was made and unpaid, or else that no Arbitrator had been appointed by the Landlord, although duly noticed; whereupon Court shall give judgment in favour of Tenant.

And be it Enacted, That if any Landlord against whom any such claim of compensation as aforesaid shall be made shall proceed by any process of law against the Tenant making such claim, for the purpose of recovering the possession of the lands or tenements in respect whereof such claim shall have been made, it shall be lawful for such Tenant to prove, by evidence at the trial of such ejectment, that such claim has been made on his part in conformity with the provisions of this Act, and either that compensation has been awarded to him, which

which compensation has not been paid or tendered to be paid by said Landlord, or that such Landlord had neglected or refused to appoint an Arbitrator, having been duly required to do so according to this Act, and that therefore such claim remains by the default of the

5 Landlord pending and undetermined, and on proof thereof, unless the amount of the award (if an award has been made) be forthwith lodged in Court, or the claim of the Tenant be otherwise settled, or appeal made against the award as hereinafter in certain cases permitted, such Tenant shall be entitled to a judgment or decree, as the

10 case may be, in his favour, in the matter of such ejectment; but if it shall appear to the Court that the claim of any Tenant for compensation remains undetermined, by reason of any default of the Arbitrators appointed as aforesaid in not having made an award, or by reason of any informality in the service of the notices, or any other

15 part of the proceedings, it shall be lawful for such Court, on the application of such Tenant or Landlord (and such Court is hereby required), to appoint an Arbitrator or Valuator, who shall have full power to determine the amount of compensation, if any, due to such Tenant; and such Court shall withhold the issuing of any Habere or

20 Writ of Eviction to which such Landlord might be otherwise entitled, until the amount of compensation (if any) determined by the award of such Arbitrator or Valuator shall have been paid to such Tenant, or lodged in such Court to the credit of such suit; and if such amount shall not be so paid or lodged within a time named, such Court shall then

25 give judgment or decree, as the case may be, in favour of the Tenant.

But if no Award given by reason of any default in the Arbitrators, or any informality in the proceedings, the Court, if required by Landlord or Tenant, shall appoint an Arbitrator, with power to determine the amount of Compensation.

The Court shall require the amount of Award to be paid or lodged before issuing any Habere or Writ of Eviction.

If not paid within a time named, the Court to give judgment in favour of Tenant.

And be it Enacted, That if in any case wherein an award shall have been made by Arbitrators under this Act, any Landlord or Tenant shall think himself aggrieved by such Arbitrators having failed to observe the rules herein provided for the regulation of their proceedings, and for determining the amount of compensation to be

30 awarded, or, with regard to the qualifications of the Tenant, to make claim for compensation under the rules and limitations with reference thereto in this Act enacted, it shall be lawful for such Landlord or Tenant to appeal against such award to the Court in which any

35 such ejectment case shall be tried; and if it shall appear to such Court that the objections so made to the proceedings of the Arbitrators in the matter of any award made by them were valid against the same, it shall thereupon be lawful for such Court to cancel, alter or amend such award, and, if necessary, to appoint an Arbitrator or

40 Valuator to make a new award in the matter of such claim, as hereinbefore provided in the case of default in the Arbitrators making award.

4.
If Award be not made by the Arbitrators according to the rules and provisions of this Act, Landlord or Tenant may appeal to the Court.

Court may cancel, alter or amend Award, or appoint an Arbitrator, as in case of no Award having been made.

And be it Enacted, That the said Arbitrators or Arbitrator shall, if so required by the Landlord or by the Tenant, take into consideration

127.

5.
Arbitrators may, if required by the Landlord or the Tenant, name the

fair Rent for the Premises.

If Landlord accepts Tenant at Rent so named, but Tenant refuses, Tenant cannot then claim compensation, and Court shall decree for Landlord.

Mode of computing Rent.

the proposal of rent as directed by this Act to be made by the Tenant in his notice to the Landlord, and shall give their judgment either in approval of such offer, or they shall declare, in their award, what; in their opinion, is the fair rent for such Tenant to pay ; and if the Landlord shall offer to continue the claimant as Tenant at the rent so determined by the Arbitrators or Arbitrator, and the Tenant shall refuse to continue in the tenancy, paying the rent so determined, such Tenant so refusing shall not be entitled to claim compensation under the provisions of this Act ; and the Landlord shall be entitled to a decree in his favour ; and the Arbitrators, in determining the amount of rent to be paid by any Tenant, shall rule their decision by the rent which, in their judgment, a solvent tenant would pay for the same according to the usual letting value of the country in like cases, and not charging the Tenant an increased rent for buildings erected at his own cost ; and in case the Tenant shall have, in their judgment, any just claim with reference to improvements of the soil made by such Tenant, and not yet remunerated by the profits arising from such improvements, such Arbitrators or Arbitrator shall take the same into their consideration in deciding on the amount of rent, and shall make such temporary reduction from the full improved rent as they may deem just, specifying for what length of time the Tenant shall be entitled to the reduction so made.

6.

Tenant claiming Compensation must prove that he has increased the value of the Premises, and the nature and cost of his improvements.

Compensation not allowed for any improvements which would not produce an increased Annual Rent.

The claimant must be in sole occupation, and residing on the Premises.

The Lands and Premises must be in tenantable condition.

And be it Enacted, That no Tenant shall claim " Tenant-right," or compensation of any kind, who cannot show that he has expended labour or capital in some form, so as to increase the value of the premises ; and he must, if required, prove the nature of such improvements, and the cost of making the same ; and compensation shall not be allowed for any buildings or works of any kind, which would not produce an increase of the annual rent for which the premises would let, and a consequent increase of permanent value ; and no Tenant shall be entitled to claim the benefits of this Act who is not in sole occupation of the premises for which the claim is made, and residing on some part of such premises, and using the same for the usual purposes of farm or garden culture, and unless the lands and premises shall be in all respects in fair tenantable condition and repair at the time of making such claim.

7.

Mode of proceeding by the Arbitrators in determining their Award.

And be it Enacted, That the Arbitrators who may be appointed to decide any case of dispute between Landlord and Tenant under this Act shall proceed in manner following : they shall first inquire whether the Tenant claiming is in all respects entitled to make claim, according to the rules herein provided ; and if the Arbitrators find the claimant so qualified, they shall then proceed to ascertain the improvements of all kinds for which the Tenant is entitled to compensation, according to the terms and meaning of these provisions, whether the same

same be in the form of buildings or of works to increase the productive power of the soil, by drains or by any other productive expenditure of labour, and the expense of such improvements, and the amount of increased value created by the same ; and they shall award to the

5 Tenant the full cost of all such buildings or improvements so made, by which the value of the premises may be increased, or such amount thereon as they shall think fair and just, according to the circumstances of the tenancy, and according to the rules herein provided, making their award in such manner as best to carry out the principle

10 upon which the provisions of this Act are founded ; namely, that so long as the Landlord shall permit the Tenant to continue in the occupation of the premises at a fair rent, such Landlord shall not be liable to pay compensation for Tenant-right or improvements ; but in case the Landlord shall evict the Tenant, he being desirous to continue

15 Tenant, and willing to pay the fair improved rent for the lands, such Tenant shall receive fair compensation for all capital and labour expended in profitable improvements by himself or his predecessors in the tenancy.

And be it Enacted, That in any estimate of the amount of compensation to be allowed for buildings under this Act, the Arbitrators

20 aforesaid shall first estimate the cost at which new buildings might be erected, of the quality and extent of those for which compensation may be claimed, and afterwards they shall estimate whether any or what deduction should be made for deterioration, from age or other

25 causes, and having deducted such amount (if any) from the sum first ascertained, the remainder shall in all cases and periods of tenancy be deemed and taken to be the amount of compensation to be awarded to the Tenant for such buildings : Provided always, That in case it shall appear that any building or buildings for which compensation

30 shall be demanded are of a greater extent or erected at a higher cost, or for purposes other than what are suitable to the premises, and from any of these causes do not increase the value of the same, or do not produce an increased rent equal to the cost, the compensation allowed shall be reduced in amount accordingly ; and in determining

35 the amount of compensation which shall be allowed to any claimant for improvements of the soil, credit shall be given by the said Arbitrators for all works of every description, and all expenditure of labour and capital proved to have been made which shall have produced a permanent increase of the real value or annual rent of the

40 property improved, and none other ; and the nature, extent, expense and present condition of all such improvements having been ascertained by the evidence which shall be produced on the part of the Tenant, the amount of compensation to be awarded shall be determined in the following manner ; (that is to say) an estimate shall be first made of the annual rent which the lands would produce as then improved, and an estimate shall be next made of the inferior rent

8.

Mode of determining
the Value of Buildings.

No Buildings to be
allowed for which do
not increase the rent
for which the premises
would let.

Mode of determining
the Value of
Improvements of the
Soil.

which the same lands would be capable of producing if such improvements had not been made, and the difference of the two sums shall be considered the amount of annual profit to the Landlord created by the Tenant's improvements on the soil; and such number of years' purchase on the annual value so created as the Arbitrators shall, on 5
due consideration of all the circumstances of the case, deem fair between the parties (not exceeding *Twenty Years'* purchase), shall be awarded as the amount of compensation due to the claimant for improvements on the soil; and in determining such amount it shall be 10
lawful for the Arbitrators to inquire into and take into consideration the length of previous tenure or occupancy and the rent paid, and the extent to which the Tenant had been or might have been remunerated for the improvements of the soil during his past occupancy; and it shall also be lawful for the Arbitrators aforesaid to take into consideration 15
any expenditure of manure, lime, marl or any other matter calculated to improve the temporary fertility of the soil, although not in the class of permanent improvements, and to award such recompense as they may think right for all such unremunerated expenditure.

9.
Landlord may set off against the Tenant's claim any injuries produced by bad culture, or bad management or neglect of Tenant; Arbitrators may make allowance thereon.

All such allowances, and all rent or arrears of rent or other debts due to Landlord to be deducted from Compensation, or in case of an overplus in favour of Landlord, it may be recovered as rent or else by action or civil bill.

And be it Enacted, That if any Landlord against whom claim for compensation shall be made by any Tenant as aforesaid shall think 20
that his interests have been injured by any neglect, improper system of culture or other proceedings of such Tenant in the care, management or use of his lands or the buildings thereon, it shall be lawful for such Landlord to rebut the Tenant's claims therewith, and to require the Arbitrators to inquire into the claims made by such Landlord, 25
and to make such allowances thereon as to such Arbitrators may seem just; and all such allowances, as well as all rent or arrears of rent, debts, fines or penalties due to the Landlord by the Tenant, shall, in all cases of allowance for "Tenant-right" or compensation for improvements of any kind, be discharged out of the money paid or agreed 30
to be paid for the purposes of such compensation; and if an award shall be made in favour of the Landlord exceeding the amount of compensation due to the Tenant, it shall be lawful for such Landlord to recover the amount so awarded by all means and powers, the same as for the recovery of rent or arrears of rent, or by action or suit in any 35
of the superior courts of record in Dublin, or by civil bill in the Assistant Barrister's Court, and to sell the goods and chattels of such Tenant by such processes, wherever the same shall be found in Ireland.

10.
Recites that great evil has been produced by improper subdividing and subletting.

Any Tenant who shall sublet or divide, after the

AND whereas great evil has resulted in many cases from the 40
subletting and subdivision of lands in Ireland, by Tenants having determinable interests, without the consent of the Landlords from whom the interest of the Tenant was derived; BE it therefore Enacted, That if any Tenant (otherwise entitled to the benefit of "Tenant-right") shall at any time after *the passing of this Act* sell

sell or in any way transfer to any other person, any portion of the premises demised to him, or held by him, either by division among his own family or otherwise, so as to create more than one occupancy or tenancy on premises let to one Tenant by the Landlord as an undivided
 5 tenancy, without having first obtained such Landlord's consent, which consent shall be given in writing by said Landlord or his agent or other legal representative; or if any Tenant shall, after the *passing of this Act*, erect houses for labourers or cottiers, or give ground on which to erect such houses, or shall bring such persons to inhabit in any
 10 houses on the premises, except as hired servants, without the like consent of the said Landlord, such Tenant so doing shall forfeit all claim to Tenant-right as against such Landlord and the holders of such divided tenancy, and the subtenant or subtenants introduced by such Tenant, and who shall, after *the passing of this Act*, enter on the
 15 premises to occupy the same, without the consent of such Landlord, shall have no claim of "Tenant-right," or compensation for any improvements made on such premises so occupied by such Tenants or subtenants against such Landlord; and in case of any subdivision or subtenancy which shall be found to exist on any concern originally
 20 let to one Tenant, whereon claim of compensation shall be made, it shall be the duty of such claimant, in case of objection being made, to prove, either that such subdivision or subtenancy had arisen previous to the passing of this Act, or else that such subdivision or subtenancy had been created by and with the consent of the said
 25 Landlord; and in cases wherein one or more intermediate Landlords shall intervene between the Tenant in occupation and the Landlord having the first estate of inheritance, neither such superior Landlord nor any intermediate Landlord having an interest after and superior to the immediate Landlord of the Occupier shall be liable to any claim of
 30 compensation for Tenant-right or improvements, unless such consent as hereinbefore required had been given by or on the part of such Landlord on whom such claim is made: Provided always, That the foregoing limitation shall not be construed to apply to any sub-division or subtenancy which may have been created previous to the *passing of*
 35 *this Act*, in case the claimant should be qualified to obtain compensation under the other enactment in this Act contained.

passing of this Act, without consent of Landlord, and also the Sub-tenants entering into occupation without such consent, shall forfeit the power to claim Tenant-right or Compensation of any kind against such Landlord.

AND whereas a claim, founded on the practice that all buildings and improvements are and have been made by and at the cost of the Tenant, has been established by immemorial custom in the province of
 40 Ulster and some other parts of Ireland, under the name of "Tenant-right;" namely, that a Tenant in occupation shall not be dispossessed without being paid value for his right of occupancy or good-will, either by the incoming Tenant or by the Landlord, as the case may be:
 AND whereas it is just and necessary that where such custom has been

11.
 Recites that Tenant-right in Ulster is understood to mean the right of occupancy or good-will, to be paid for by the incoming Tenant or the Landlord.

Being a long-established custom, it

ought to be secured and regulated by legal enactments on principles just towards Landlord and Tenant.

Tenant may offer evidence of the value of his Right of Occupancy, including his Improvements.

Arbitrators may adjudge thereon, and award such amount of Compensation for Tenant-right and Improvements conjointly as shall appear, according to the custom of the country, to be the amount which a solvent Tenant would give for the purchase of the same.

Claim for Tenant-right or Good-will to be subject to same limitations and regulations as in other cases herein provided; viz. that Claimant be in sole occupation and residing; that he has produced increased value by labour or capital expended; that the premises are in tenantable condition, and that he has not subdivided or sublet contrary to the provisions of this Act.

12.

In case of ejectment for non-payment of Rent, Tenant may not claim compensation or Tenant-right, except in two cases:—

1st. If Landlord refuses to allow Tenant to sell his interest;

2d. If Rent payable exceeds by One-tenth the Poor Law valuation.

In such cases Tenant entitled to claim and recover compensation as in other cases of ejectment.

so established, and payments have been generally made according to said custom by the Tenants now in occupation, such right shall be secured and regulated by law, on just principles as regards both Landlord and Tenant; BE it therefore Enacted, That it shall be lawful for any Tenant who shall claim compensation under the provisions of this Act, to offer evidence before any Arbitrators appointed to decide on such claims as to the sum which would be given by a solvent Tenant for the value of the right of occupancy of such claimant according to the usual practice of the country; and the said Arbitrators shall take the matter of such evidence into consideration in any award they shall make; and it shall be lawful for such Arbitrators, if they shall so think fit, without entering into a detailed valuation of improvements farther than is necessary to prove the qualification of the Tenant to make claim under this Act, to award such amount of compensation as shall be proved to their satisfaction to be the value of the "Tenant-right" or good-will of the premises, with the buildings and improvements thereon, according to what a solvent Tenant would give for the purchase of the same: Provided always, That in any case where such custom is pleaded, no amount shall be awarded for improvements greater than the value for which the "Tenant-right" would sell: Provided also, That the claim for "Tenant-right" established by this enactment shall be subject to the same limitations and regulations as hereinbefore required; namely, that the Tenant shall be in sole occupation of the premises, and residing thereon; that he shall prove that he has increased the value of the premises by labour or capital expended in buildings or other permanent improvements, and that the lands and premises are in fair tenantable condition at the time of making such claim, and that he has not subdivided or sublet since the *passing of this Act* contrary to the provisions herein contained.

And be it Enacted, That in case of ejectment for non-payment of rent, the Tenant shall have no claim for compensation for improvements or for Tenant-right unless in the two following events; first, if the Landlord shall refuse to permit the Tenant to sell his interest or good-will in the premises, such Tenant offering a solvent Tenant in his place; or, secondly, if the rent which the Tenant was liable to pay exceeded the annual value of the premises as last recorded in the valuation books of the Poor Law Union in which the premises may be situate by *One-tenth* of the amount of such annual value, or by any proportion greater than *One-tenth*, and in the computation of such proportion deducting therefrom that portion of the valuation which may consist of the value of any houses which may have been built by or at the cost of such Tenant or his predecessors in the tenancy; in either of the two cases aforesaid (but not otherwise) it shall be lawful for a Tenant under process of ejectment for non-payment of rent, to

to claim and obtain the benefits of this Act as in other cases of
ejectment

AND whereas powers are given by particular Statutes, by means of
which works of improvement may be effected by the joint contri-
5 bution of Landlord and Tenants, and in other cases like improvements
are jointly made by private arrangements between Landlord and
Tenants; BE it Enacted, That in all such cases the Landlord shall get
credit for any amount so paid by him towards improvements on
10 which the Tenant founds a claim for compensation or Tenant-right,
as also for any improvements executed at any time wholly or
partially by the Landlord to such extent as the Landlord has paid
or in any manner allowed for the same by abatement of rent or
otherwise.

^{13.}
Landlord to get
credit for any im-
provements made
wholly or partly at
his cost, in so far
as he paid or made
allowances for the
same by reduction
of rent or otherwise.

And be it Enacted, That in the construction of this Act the word
15 "Tenant" shall be understood to mean a person or party in the actual
occupation of land let for the purposes of agriculture, gardening or
pasture, and all buildings thereon or held therewith, with their appur-
tenances, but which shall not have been let in or for con-acre, or for
the purpose of cropping or depasturing for one or two seasons only,
20 or for any special or temporary purpose, but shall be held by such
person or party as Tenant at will, or from year to year, or for a term
of years, absolute or determinable on the dropping of a life or lives, or
for a life or lives with or without a term of years, and shall not be let
for building, or let by the foot or other lineal measurement, calculated
25 on the extent of frontage to any road or street, or let by measurement,
or under any provisions denoting that such letting was intended for the
purposes of building; and the word "Landlord" shall be understood
to mean the person or party entitled to the immediate possession of
the lands or premises on the determination of the interest of the Tenant,
30 and the legal representatives of such person or party for the time
being; and the word "improvement" shall be taken to include all
buildings or repairs of building, and all works of any kind which have
tended to increase the permanent value of the lands or premises; and
every word importing the "singular number" only, shall extend and
35 be applied to several persons or things, as well as one person or thing;
and every word importing the "plural number" shall extend and be
applied to one person or thing, as well as several persons or things;
and every word importing the "masculine gender" only, shall extend
and be applied to a female as well as a male; and the word "serve"
40 shall be construed to mean either personal service, or services on the
attorney, agent, bailiff, steward or receiver of the person or party to
be served, or service by delivery at the place of abode of such person
or party, or service by transmission through the post, directed to the
last known address of the person or party to be served, within such
time

^{14.}
Definition of Terms.
"Tenant."

"Landlord."

"Improvement."

Singular Number.

Plural Number.

Masculine Gender.

"Serve."

time as to admit of its delivery within the period prescribed (if any) for the delivery of the notice ; and in proving any notice by the post, it shall be sufficient to prove that the notice was properly directed, and so put into the office as before required.

15.
Limited to Ireland.

And be it Enacted, That this Act shall only apply to that part of the United Kingdom called Ireland. 5

16.
Act may be altered,
amended or repealed
in the present Session.

And be it Enacted, That this Act may be altered, amended or repealed by any Act to be passed in the present Session of Parliament.

Tenants (Ireland).

A

B I L L

To secure the Rights of Occupying Tenants in Ireland, and thereby to promote the Improvement of the Soil and the Employment of the Labouring Classes.

(Prepared and brought in by
Mr. Sharnan Crawford and Mr. Blake.)

Ordered, by The House of Commons, to be Printed,
8 March 1847.

127.

Under 2 oz.

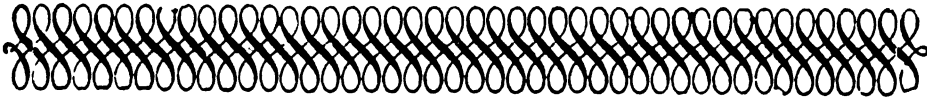
Thames Conservancy (Re-committed) Bill.

[AS AMENDED IN COMMITTEE, AND ON RE-COMMITMENT, AND ON
SECOND RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

- Constitution of "The Conservators of the River Thames"; sect. 1.
- Clauses relating to the Appointment and Qualification of the Conservators;
and the Superior Board of Thames Conservancy; 2 to 13.
- Clauses relating to the Proceedings of the Conservators; 14 to 37.
- Clauses relating to the Appointment and Accountability of Officers; 38 to 46.
- Clauses relating to the making of Bye-laws; 47 to 50.
- Reports to be made to Superior Board of Thames Conservancy, and to Parliament; 51.
- Powers of Conservators as to Works; Tolls; Appointment of Harbour Masters;
Mooring Chains; Dredging, and otherwise; 52 to 115.
- Penalty on throwing Ballast or Rubbish into the Thames; 116, 117.
- Powers of the Queen and of the Corporation of London vested in the
Conservators; 118.
- Trinity Corporation to remove Shoals when required by the Conservators;
119, 120.
- Clauses relating to the acquisition and Sale of Lands; 121 to 124.
- Power to borrow Money; 125.
- Clauses for regulating the keeping and audit of the Accounts of the Conserva-
tors; 126 to 131.
- Clauses as to Mortgages and Grants of Annuity; 132 to 144.
- Clauses relating to the Tolls, Tonnage and Harbour Dues, and the Conservancy
Fund, and the application thereof; 145 to 152.
- Proof of Debts in cases of Bankruptcy; 153.
- Releases to Witnesses; 154.
- Tender of Amends; 155.
- Clauses relating to Summary Proceedings; 156 to 171.
- Appeal to Quarter Sessions; 172, 173.
- Notice of Applications to Parliament for Bills affecting the River Thames, or the
Banks or Soil thereof, to be given to the Conservators; 174.
- Account to be laid before Parliament yearly; 175.
- Saving Clauses; 176 to 187.
- Short Title of Act; 188.
- Commencement of Act; 189.
- Interpretation Clause; 190.
- Public Act; 191.

5 July 1847.—10 & 11 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT,
AND ON SECOND RE-COMMITMENT]

To provide for the Conservation of the River Thames,
and for the Regulation, Management and Improvement
thereof.

WH^{EREAS} the preservation and improvement of the River Thames are of great national importance: Preamble.

And whereas The Queen's most Excellent Majesty, in right of Her Crown, is seised of the ground and soil of the Seas around the United Kingdom of Great Britain and Ireland, and of the shores thereof, so far as the sea flows and reflows between the high and low water-marks at ordinary spring tides, and also of all rivers, creeks and arms of the sea, and the ground and soil thereof, and of the shores of the same respectively, between the ordinary high and low water-marks, from the mouths or entrances to the same from the main sea upwards, and into the country so far as the water flows and reflows at such ordinary spring tides, and of all the ports and havens of the United Kingdom, save and except only such parts of the said seas, and sea shores, rivers, creeks and arms of the sea respectively, and of the shores thereof, and such ports and havens respectively as are held by or are vested in

614.

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certain

certain bodies politic and corporate, and others by prescription, or by or under grants from the Queen's Majesty, or any of Her predecessors, or by or under Acts of Parliament ; and the Conservancy of such ports and havens, rivers, creeks and arms of the sea as aforesaid, except as aforesaid, and except where the same is held by or is vested in certain bodies politic and corporate, and others by prescription, or otherwise belongs to the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral of the United Kingdom :

And whereas the Mayor and Commonalty and Citizens of the City of London have from time immemorial had and exercised by the Mayor of the said City for the time being during his Mayoralty, or by his sufficient deputies, the conservation of the River Thames, between Staines, in the county of Middlesex, and Yenleete, in the county of Kent, and of the River Medway, as far as the jurisdiction of the Mayor and Commonalty and Citizens of the City of London extends therein, and of the several rivers, streams and watercourses within the flow and reflow of the tides of the Rivers Thames and Medway, within the limits aforesaid, and upon the banks, shores and wharfs of the Rivers Thames and Medway, within the limits aforesaid :

And whereas by divers Acts of Parliament many additional powers and authorities for the better conservation and the improvement of the navigation of the River Thames, the River Medway and the Port of London, have from time to time been given and granted to and vested in the Mayor and Commonalty and Citizens of the City of London, and in the Mayor, Aldermen and Commons of the City of London in Common Council assembled, and in the Mayor for the time being of the said City ; and by the same Acts, or some of them, certain tolls, tonnage and port and harbour dues, have from time to time been given and granted to, and been received and taken by, the Mayor and Commonalty and Citizens, for the maintenance and improvement of the said rivers and port, and of the navigation thereof respectively :

And whereas it is alleged by the Mayor and Commonalty and Citizens that the funds at present applicable to the Conservancy and improvement of the said River are insufficient to defray the expenses of maintaining and improving the said River, without the permanent continuance of tolls to an amount prejudicial to the commerce of Her Majesty's subjects :

And

And whereas the Queen's most Excellent Majesty, in right of Her Crown, claims to be seised of the ground or soil and bed of the River Thames, and the shores thereof, so far as the tide flows and reflows in the said River, and the Mayor and Commonalty and Citizens are Conservators of the said River, and claim to be entitled to so much of the ground or soil and bed of the said River, and the shores thereof as lie within the limits and bounds of their jurisdiction, as Conservators; and a Suit has been instituted by Her Majesty's Attorney-General, on behalf of Her Majesty, against the Mayor and Commonalty and Citizens, for the purpose of ascertaining and determining the rights of Her Majesty and of the Mayor and Commonalty and Citizens, and such suit is still pending :

And whereas, in consideration of the alleged insufficiency of the Funds at present applicable to the conservancy and improvement of the said River, Her Majesty has been graciously pleased to concede the claim of Her Majesty, Her heirs and successors, to all rents, fines and other proceeds which have already arisen or shall hereafter arise from lands reclaimed by embankment from the said River, and from piers and landing-places constructed on the shores thereof, and to consent that all such rents, fines and other proceeds, shall be received by the Conservators hereby appointed, and applied by them to the purposes of this Act; and the Mayor and Commonalty and Citizens have likewise consented to such appropriation of the said rents, fines and other proceeds :

And whereas it hath been agreed that the said Suit shall cease and determine, and that the respective rights of Her Majesty, and of the Mayor and Commonalty and Citizens to the ground or soil and bed of the said River, and the shores thereof, shall be vested in the Conservators appointed by or under the authority of this Act :

And whereas the lastage and ballastage, and the office of lastage and ballastage of all vessels coming into, lying in or going out of the River Thames, or elsewhere between London Bridge and the main sea, or any wharf, bank, creek, coast or shore thereof, or any part of the same, or near or adjoining thereto, and the supplying of ballast to all such vessels, together with divers privileges for rendering the office aforesaid effectual, have been by certain ancient grants respectively made by Queen ELIZABETH, dated the Eleventh day of June, in the Thirty-sixth year of

of her reign, and by King CHARLES the Second, dated the Twenty-fourth day of June, in the Seventeenth year of his reign, or by one of the said grants vested in the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond :

And whereas the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond, in the exercise of the powers vested in them for that purpose, have from time to time, as occasion required, dug, raised and taken up such gravel, sand and soil out of and from the River Thames, as were fit and proper for the ballasting of vessels :

And whereas there are in the River Thames certain shoals, shelves and banks which materially impede the navigation of the said River, but the materials whereof not being fit and proper for the ballasting of vessels, the same have not been dug, raised and taken up by the said Master, Wardens and Assistants :

And whereas it is expedient, for the better and more safe navigation of vessels up and down the River Thames, that such shoals, shelves and banks as aforesaid, and others of the like nature, should be removed and taken away ; and the said Master, Wardens and Assistants are willing to undertake the removal of such shoals, shelves and banks in manner hereinafter mentioned and provided for :

And whereas the public enjoy certain rights and privileges in and over the River Thames, for the navigation and use thereof :

And whereas many encroachments have been made on the shores and banks of the said River, and it is desirable and expedient that further powers should be given for their removal and prevention :

And whereas in consequence of the great increase of steam navigation it has become necessary to provide safe and convenient places for embarking and disembarking steam-boat passengers, and that the same should be put under proper restrictions and regulations :

And whereas it is expedient for these beneficial objects that the whole regulation of the River Thames should be under one uniform management and supervision of a permanent body of Conservators, having all powers necessary for that purpose :

And whereas it will be necessary that all the powers, authorities, rights and privileges heretofore given or granted to and which are now vested

vested in, or which have been, or may be exercised, used or enjoyed by the Mayor and Commonalty and Citizens of the City of London, or the Mayor and Aldermen of the City of London, or the Mayor, Aldermen and Commons of the City of London in Common Council assembled, or the Mayor for the time being of the said City, with reference or in relation to the conservation of the River Thames, should be transferred to and vested in and be exercised by the Conservators appointed by or under the authority of this Act :

May it therefore please Your MAJESTY,

That it may be Enacted ; ~~And be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT there shall be Fifteen Conservators for carrying this Act into execution, and that such Conservators shall be a body corporate by the name of " The Conservators of the River Thames," and by that name shall have perpetual succession and a common seal, and shall have power to take, purchase and hold lands, tenements and hereditaments, goods, chattels and other property for any of the purposes of this Act, subject to the restrictions herein contained.

1.
Appointment
of Conser-
vators.
Conservators
to be a
corporation.

And be it Enacted, That the Lord Mayor for the time being of the City of London shall be one of the Conservators ; that Three other of such Conservators shall be Aldermen of the City of London, and shall be elected by the Court of Mayor and Aldermen of the said City, in the Inner Chamber ; that Six other of such Conservators shall be members of the Common Council of the said City, and shall be elected by the Mayor, Aldermen and Commons of the said City in Common Council assembled ; and that the remaining Five of such Conservators shall be elected by the Mayor, Aldermen and Commons of the City of London in Common Council assembled, subject to the approval and provisions hereinafter mentioned.

2.
The Lord
Mayor of the
City of Lon-
don, Three
Aldermen
and Six
Commoners
to be Con-
servators.

And be it Enacted, That the Aldermen present at the first Court of Mayor and Aldermen which shall be holden next after the commence-
ment of this Act, or at some special Court to be called by the Lord Mayor for that purpose, shall elect Three persons, being Aldermen of the City of London, to be Three of such Conservators.

3.
Court of
Aldermen to
elect Five
Aldermen.

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4.
Court of
Common
Council to
elect Thir-
teen Com-
moners.

And be it Enacted, That the members present at the first Common Council which shall be holden next after the commencement of this Act, or at some special Common Council to be called by the Lord Mayor for that purpose, shall elect Six members of the Common Council to be Six of such Conservators ; and shall also elect Five other persons to be Five of such Conservators, and such last mentioned Five persons so elected as aforesaid shall, if approved on behalf of Her Majesty by the Superior Board hereafter constituted by this Act, be Five of such Conservators, and shall continue in office for Five years, unless sooner removed by the said Superior Board on behalf of Her Majesty ; and any such Conservator going out of office at any quinquennial day of election shall be eligible to be re-elected.

5.
Conservators
to continue
in office so
long as they
are Aldermen
or Members
of the Com-
mon Council.

And be it Enacted, That the several persons so elected to be Conservators by the Court of Mayor and Aldermen, and by the Common Council respectively, shall continue in office so long only as they shall respectively continue to be Members of the body by which they were elected ; and whenever any Conservator elected by the Court of Mayor and Aldermen shall cease to be an Alderman of the City of London, his office shall thereupon become vacant, and another Alderman shall be elected by the Court of Mayor and Aldermen a Conservator in his place : Provided always, That at the expiration of every Five years the Conservators elected by the Court of Mayor and Aldermen shall go out of office, and a fresh election of Conservators shall take place in their stead, but the Aldermen going out of office at any quinquennial day of election shall be eligible to be re-elected Conservators ; and whenever any Conservator elected by the Mayor, Aldermen and Commons in Common Council assembled, shall not be re-elected a Member of the Common Council, his office shall thereupon become vacant, and another Conservator shall be elected by the Common Council in his place : Provided always, That the Conservators elected by the Mayor, Aldermen and Commons in Common Council assembled shall remain in office for Five Years, if they shall so long continue Members of the Common Council, unless removed by the Common Council previously ; and any such Conservator going out of office at any quinquennial day of election shall be eligible to be re-elected.

6.
Vacancies in
Conservators
to be filled
up.

And be it Enacted, That any vacancy in the office of Conservator occasioned by death, resignation, removal, disqualification or any other cause

cause whatever, shall be filled up with all convenient speed by the election or appointment of a new Conservator, by the persons or body by whom or which the Conservator whose vacancy is to be filled up may have been originally elected or appointed.

And be it Enacted, That in case any Conservator being an Alderman of the said city shall, whilst holding the office of Conservator, be elected to and shall accept the office of Mayor of the said city, the Court of Mayor and Aldermen shall forthwith elect some other Alderman to fill the office of Conservator during the Mayoralty of such Conservator; and the Alderman so elected by the Court of Mayor and Aldermen as last aforesaid, shall fill the office of Conservator during such time only as the Conservator so elected Mayor shall hold that office.

7.
If any Conservator is elected Lord Mayor, another Conservator to be elected in his place.

And be it Enacted, That if the Mayor, Aldermen and Commons in Common Council assembled, shall not within Three months after the commencement of this Act, have elected Five persons, who shall be approved by the said Superior Board on behalf of Her Majesty, and, in like manner, if when a vacancy shall occur in any one of the Five persons who are to be so elected by the Mayor, Aldermen and Commons, in Common Council assembled, subject to the approval of the said Superior Board on behalf of Her Majesty, the Mayor, Aldermen and Commons in Common Council assembled, shall not within Six weeks after such vacancy has occurred, have elected a person to supply such vacancy who shall be approved by the said Superior Board, then and in either of such cases, and from time to time as often as the same shall happen, it shall be lawful for the said Superior Board on behalf of Her Majesty, to appoint such persons or person as they may think fit to be such Conservators or Conservator.

8.
Election of Conservators.

And be it Enacted, That for the purpose of more effectually carrying the provisions of this Act into execution, there shall be a Board, consisting of the First Commissioner for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for the time being, the Chief Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, for the time being, and the President of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations for the time being, who shall be styled The Superior Board of Thames Conservancy; and such Board

9.
Superior Board of Thames Conservancy.

shall meet from time to time, when and as often, and in such place or places, as they shall think proper, and whenever they shall be required so to do by the First Commissioner for executing the Office of Lord High Admiral, and shall and may have and exercise such powers and authorities as are by this Act given to or vested in them; and any Two Members of the Board shall be competent to act and to exercise all the powers, and perform all the functions and duties thereof.

10.
Superior
Board may
appoint
Officers.

And be it Enacted, That it shall be lawful for the Superior Board of Thames Conservancy to appoint such person as they may think proper to be their Inspecting Officer for the purposes of this Act, and from time to time as a vacancy shall happen in the office of Inspecting Officer, to appoint some other fit person to fill the same; and every Inspecting Officer so appointed shall hold his office during the pleasure of the Board, and may have such officers and assistants under him as the Board shall think fit from time to time to appoint; and such Inspecting Officer and officers shall be paid such annual sums by way of salary as the Board shall from time to time think proper.

11.
How Ex-
penses of
Superior
Board are to
be paid.

And be it Enacted, That the charges of the Superior Board of Thames Conservancy, for the salaries of the Inspecting Officer and other officers of the Board, and for the permanent and incidental expenses attendant upon or occasioned by the performance of the duties hereby imposed upon them, shall be paid and defrayed out of the Conservancy Fund by this Act directed to be established, and shall not exceed the sum of One thousand pounds per annum.

12.
No bankrupt
or insolvent
person to be a
Conservator.

And be it Enacted, That no person who shall have been or shall be declared bankrupt, or shall have applied, or shall apply to take the benefit of any Act for the Relief of Insolvent Debtors, or shall have compounded, or shall compound by deed or instrument in writing with his creditors, or shall have stopped or shall stop payment, in the common mercantile acceptance of the term, shall be capable of being or continuing a Conservator.

13.
No person
holding office,
or concerned
in any con-
tract, to be a
Conservator.

And be it Enacted, That if at any time subsequent to the election or appointment of any Conservator he shall accept or continue to hold any office or place of profit under the Conservators, or be concerned in any contract, or participate in any manner in any work to be done under the authority of this Act, or shall derive or be entitled to any benefit

benefit, either directly or indirectly, therefrom, such person shall cease to be a Conservator, and his office thereupon shall become vacant : Provided always, That no person being a shareholder or member of any company or any concern engaged in the manufacture or supply of gas, or in the supply of water, shall be disqualified from acting as a Conservator by reason of any contract entered into between such company or concern and the Conservators ; nevertheless it shall not be lawful for any such shareholder or member to act as a Conservator in any matter relating to any contract entered into between the Conservators and such company or concern.

And be it Enacted, That it shall be lawful for the Conservators from time to time to provide and maintain a fit and convenient public office within the City of London for holding the meetings of the Conservators, and transacting the business of the Conservancy, and for the use of their officers, and for transacting such other business as the Conservators shall from time to time think fit to allow, or shall direct to be transacted therein, and for such purpose to purchase or hire any messuage or tenement or land which shall by the Conservators be considered necessary, of and from any person who shall be willing to sell or let the same, or otherwise to cause any new erection or building to be made upon any land or ground which shall be purchased or hired under the provisions of this Act.

14.
Office to be
provided.

And be it Enacted, That the Conservators shall meet and assemble at the Guildhall, in the City of London, or at some other convenient place within the City of London, upon the second Wednesday next after the commencement of this Act, at the hour of Twelve of the clock at noon, for the purposes of this Act ; and the Conservators shall and may, from time to time by adjournment from such meeting, or from any subsequent meeting to be holden under the authority of this Act, meet together at the said place or any other convenient place to be from time to time appointed by them for that purpose at such hour as may from time to time be appointed by them ; and if at any such meeting there shall not be Five Conservators present within One hour after the time appointed for such meeting, then it shall be lawful for the Conservators present, or the major part of them, or any One Conservator if only One be present, to adjourn such meeting until another day, and if no Conservator shall be present, then it shall be lawful for the Secretary to adjourn the meeting to another day.

15.
Meetings of
Conserva-
tors.

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16. Meetings of Conservators to be styled Conservancy Meetings. And be it Enacted, That every meeting of Conservators under the authority and for the purposes of this Act, shall be styled a Conservancy meeting.

17. Annual meeting of Conservators. And be it Enacted, That a Conservancy meeting shall be held on the First Wednesday in the month of June in every year, and such meeting shall be called the Annual Conservancy Meeting.

18. Periodical meetings to be held. And be it Enacted, That the Conservators shall hold such periodical meetings as shall from time to time be appointed by them, in writing, for any of the purposes of this Act, and shall from time to time fix the days and times for holding such periodical meetings, a list of such days and times of meeting being duly fixed and continued in some conspicuous part of the usual place of meeting of the Conservators; and upon any such day and time being fixed, the Conservators for the time being are required to attend such periodical meetings without any notice.

19. No extraordinary business at periodical meetings, unless notice be given. And be it Enacted, That no new rules or regulations shall be adopted, nor any extraordinary business be transacted at the periodical meetings, unless due notice thereof has been given at a prior meeting, and the subject of such business been notified to each Conservator by means of written or printed notices, delivered or left in the same manner as is herein required for special meetings.

20. Special meetings of Conservators. And be it Enacted, That it shall be lawful for the Conservators to hold special meetings; and the Lord Mayor, or any Three or more of the Conservators, may require a special meeting to be held, but no such meeting shall be held unless Two days' notice thereof at the least shall be given, except in cases of emergency.

21. How notices of meetings of the Conservators are to be given. And be it Enacted, That all notices of any adjourned meeting or special meeting to be held under the authority of this Act, shall be in writing or print, or partly in writing and partly in print, and shall be delivered and sent by the secretary, by post or otherwise, to the usual place of abode or place of business of each of the Conservators, Two days at the least previous to such meeting, except as aforesaid; and every notice shall specify the time and place of meeting, and in case of

of a special meeting, shall specify the object thereof; and no business shall be transacted at any special meeting except such as is stated in the notice thereof.

And be it Enacted, That all powers vested in the Conservators under this Act may be exercised by any Five or more of the Conservators present at any Conservancy meeting holden in pursuance of this Act, and no business shall be transacted at any Conservancy meeting unless Five or more of the Conservators shall be present at any such meeting; and all questions at any meeting shall be decided by a majority of the votes of the Conservators present; and in case of an equal division of votes, the chairman shall have a second or casting vote in addition to his vote as a Conservator.

22.
Quorum of
Conserva-
tors.

And be it Enacted, That at every Conservancy meeting the Lord Mayor of the City of London, if present, shall preside as chairman of the meeting; and in case the Lord Mayor shall be absent, then the Conservators present shall appoint some one of their body to preside as chairman for the day, or during the absence of the Lord Mayor.

23.
Lord Mayor
to preside.

And be it Enacted, That the Conservators shall take care that the secretary, or some person duly authorized by them in that behalf, shall attend at their office daily (Sundays, Christmas-day and Good Friday, and days appointed for any general fast or thanksgiving, alone excepted), for the purpose of receiving notices and transacting the ordinary business of the Conservancy; and due notice of the place of the office of the Conservators, and of the hours during which attendance is given there, shall be published by the Conservators, in such manner as they shall think proper, so that the same may be fully and generally known.

24.
The Con-
servators to
provide daily
attendance at
an office.

And be it Enacted, That it shall be lawful for the Conservators present at any Conservancy meeting, to appoint a committee or committees, of which not less than One-third shall consist of members who have been approved by the Superior Board on behalf of Her Majesty as aforesaid, for any purposes which, in the discretion of the Conservators, would be better regulated and managed by means of such committee, and at any meeting to continue, alter or discontinue such committee: Provided always, That the acts of every such com-

25.
Committees
may be
appointed.

mittee shall be submitted to the general body of Conservators for their approval.

26.

Lord Mayor
to be a mem-
ber of the
committee.

And be it Enacted, That the Lord Mayor of the City of London shall, without any appointment, act as member of all committees, in addition to the members appointed, and shall be summoned to and be entitled to attend all meetings of every such committee.

27.

Mode of
proceeding of
committee.

And be it Enacted, That every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper for carrying into effect the purposes of their appointment, but no business shall be transacted at any meeting of the committee, unless Three members of the committee are present; and at all meetings of the committee the Lord Mayor, if present, shall preside as chairman; and in case of his absence, one of the members present shall be appointed chairman; and all questions at any meeting of the committee shall be determined by the votes of the members present; and, in case of an equal division of votes, the chairman shall have a second or casting vote in addition to his vote as a member of the committee.

28.

No resolu-
tion of the
Conservators
to be revoked
at a subse-
quent meet-
ing, unless
under certain
circum-
stances.

And be it Enacted, That no resolution or other act at any Conservancy meeting shall be revoked or altered at any subsequent meeting, unless such subsequent meeting be called expressly for such alteration or revocation, by notice given by the Secretary Five days at least previous to the holding thereof, nor unless such revocation or alteration be determined upon by a majority consisting of Two-thirds of the Conservators present at such subsequent meeting.

29.

Acts of the
Conservators
not to be
invalidated
by reason of
vacancies.

And be it Enacted, That no act or proceeding of any of the Conservators acting under the authority of this Act, shall be valid until the Board of Conservancy intended to be constituted by this Act shall have been fully constituted, and shall consist of Fifteen members, and that thereafter no such act or proceeding shall be invalidated or be illegal in consequence only of there being any vacancy in the number of Conservators at the time of doing or executing such act or proceeding.

30.

Conservators
may make
contracts,
&c.

And be it Enacted, That it shall lawful for the Conservators, or any committee appointed by them, to enter, by the corporate name of the

the Conservators, into contracts with any persons for the execution of any work directed or authorized by this Act to be done by the Conservators, or which they may think proper to do or to direct to be done, under or by virtue of the powers confided to them by this Act, or for furnishing materials or labour, or for providing proper engines or other power, or for any other matters and things whatsoever necessary for enabling them to carry the purposes of this Act into full and complete effect, in such manner and upon such terms, and for such sum of money, and under such stipulations, regulations and restrictions as the Conservators shall think proper, the Conservators having given such previous notice of such contract as shall be required by the bye-laws; and every such contract shall be in writing, and shall specify the several works to be done, and the materials to be furnished, and the prices to be paid for the same, and the times within which the said works are to be completed, and the said materials to be furnished, and the penalties to be suffered in case of non-performance thereof; and every such contract may also specify the person to whose satisfaction the same are to be completed or furnished, and the mode of determining any dispute which may arise concerning or in consequence of such contract.

And be it Enacted, That the powers hereby granted to the Conservators, or to any committee appointed by them to make contracts, may lawfully be exercised as follows; (that is to say)

31.
Contracts by
the Conservators or the
committees,
how to be
entered into.

With respect to any contract which if made between private persons would be by law required to be in writing and under seal, the Conservators or such Committee may make such contract in writing, in the corporate name of the Conservators, under the common seal of the Conservators, and in the same manner may vary or discharge the same;

With respect to any contract which if made between private persons would be by law required to be in writing, and signed by the parties to be charged therewith, then the Conservators, or such Committee on behalf of the Conservators, may make such contract in writing, in the corporate name of the Conservators, signed by the secretary, or by any Two of the Conservators, or by such Committee, or any Two of them, and in the same manner may vary or discharge the same;

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With respect to any contract which if made between private persons would by law be valid, although made by parol only, and not reduced into writing, the Conservators or such Committee on behalf of the Conservators may make such contract by parol only, without writing, and in the same manner may vary or discharge the same, any thing hereinbefore contained to the contrary notwithstanding ;

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Conservators, and all other parties thereto, their successors, heirs, executors or administrators, as the case may be ; and on any default in the execution of any such contract, either by the Conservators or by any other party thereto, such actions or suits may be brought either by or against the Conservators, in their corporate name, as might be brought had the same contract been made between private persons only.

32.
Conservators
may com-
pound for
breach of
contracts.

And be it Enacted, That it shall be lawful for the Conservators at a meeting specially called for that purpose, of which meeting Five days' notice shall be given, from time to time to compound and agree with any person who shall have entered into any contract in pursuance or under the authority of this Act, or against whom any action or suit shall be brought for any penalty contained in any such contract, or in any bond or other security for the performance thereof, or for or on account of any breach or non-performance of any such contract, bond or security, for such sum of money or other recompense as the Conservators may think proper.

33.
How indict-
ments to be
preferred.

And be it Enacted, That it shall be lawful for the Conservators to sue and be sued, and to prefer any bill of indictment or information, or take any other proceedings against any person who shall steal, take or carry away, wilfully deface or injure any property, article or thing belonging to the Conservators, and in every such case it shall be sufficient to state generally the property, article or thing, in respect of which such proceedings, shall have been taken, to be the property of the Conservators by their corporate name.

34.
Service of
notice on
Conserva-
tors.

And be it Enacted, That any summons, notice, writ or other proceeding at law or in equity required to be served upon the Conservators

vators, may lawfully be served by delivering the same personally to the secretary, or by leaving the same at the office of the Conservators.

And be it Enacted, That any notice which by this Act, or by the Lands Clauses Consolidation Act incorporated with this Act, may be required to be given to any person, may lawfully be served by delivering the same to such person, or by delivering the same to his wife or servant, or any inmate at his usual place of residence or business, or, in case such place is not known, by affixing or leaving the same on or at his last known place of residence or business.

35.
Service of
notice on
other per-
sons.

And be it Enacted, That every summons, demand or notice, or other like document given under the provisions of this Act, may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated, if signed by the secretary or by any one Conservator, and need not be sealed with the common seal of the Conservators.

36.
Authentica-
tion of
notices.

And be it Enacted, That the Conservators shall cause entries of the names of all the Conservators who shall attend any Conservancy meeting, and notes, minutes or copies, as the case may require, of all appointments made, or contracts entered into by or on the behalf of the Conservators, and of the orders and proceedings of all Conservancy meetings, and of all meetings of committees, to be duly entered in books to be from time to time provided for that purpose, which shall be kept under the superintendence of the Conservators, and every such entry shall be signed by the person who was in the chair at any such meeting, and such entry so signed shall be received as evidence in all courts and before all judges, justices and others, without proof of such respective meetings having been duly convened or held, or of the persons making such orders being Conservators or members of such committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary be proved, and all such books shall, at all reasonable times, be open to the inspection of the Conservators.

37.
Proceedings
to be entered
into a book,
and to be
evidence.

And be it Enacted, That the Conservators shall from time to time appoint a secretary, treasurer and clerk, and appoint or employ such engineers, surveyors, collectors, and other officers, servants and persons to assist in the execution of this Act, as the Conservators shall

38.
Conservators
to appoint
secretary and
other officers.

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think necessary or proper, and may from time to time remove such secretary, treasurer and clerk, and such engineers, surveyors, collectors, and other officers, servants and persons, and appoint others in the room of such as shall be so removed, or as may die, or resign or discontinue their offices, and shall pay such salaries, wages and allowances to the secretary, treasurer, clerk, engineers surveyors, collector, officers, servants and persons respectively, as the Conservators shall think reasonable.

39.
Chamberlain
of the City
to be Treas-
urer, and
the Town
Clerk
Secretary.

And be it Enacted, That the Chamberlain for the time being of the City of London shall for the purposes of this Act be and be considered as the Treasurer of the Conservators, and that the Town Clerk for the time being of the City of London shall be the Secretary of the Conservators during the pleasure of the Conservators.

40.
Offices of
the clerk and
treasurer to
be separate.

And be it Enacted, That neither the person who shall hold the office of Clerk, nor the partner of such Clerk, nor any person in the service or employ of such clerk, or of his partner, shall be eligible to be the Treasurer, and that neither the person who shall be the Treasurer, nor the partner of such Treasurer, nor any person in the service or employ of such Treasurer, or of his partner, shall be eligible to be the Clerk; and if any person offend in any of the following cases he shall forfeit One hundred pounds; (that is to say),

If any person accept both the offices of Clerk and Treasurer :

If any person being the Clerk, or the partner of such Clerk, or in the service or employ of such Clerk, or of his partner, accept the office of Treasurer, or act as deputy of the Treasurer, or in any manner officiate for the Treasurer :

If any person, being the treasurer or the partner of such Treasurer, or in the service or employ of such Treasurer, or of his partner, accept the office of Clerk, or act as deputy of such Clerk, or in any manner officiate for such Clerk :

If any such Clerk or Treasurer shall hold any place of profit or trust under the Conservators, other than that of Clerk or Treasurer, as the case may be :

And any person may sue for such penalty, either by action of debt or on the case, in any of the Superior Courts, and shall, on recovery thereof, be entitled to full costs of suit.

And

And be it Enacted, That if any such secretary, treasurer, clerk, engineer, surveyor, collector or other officer employed by the Conservators, shall exact, take or accept, on account of any thing done by virtue of his office, or in relation to the functions of the Conservators, any fee or reward whatsoever, other than the salary, rewards or allowances allowed or sanctioned by the Conservators, or be in anywise concerned or interested in any bargain or contract made by or on the behalf of the Conservators, he shall be incapable of being afterwards employed by the Conservators, and shall forfeit Fifty pounds; and any person may sue for such penalty, either by action of debt or on the case, in any of the Superior Courts, and shall, on recovery thereof, be entitled to full costs of suit.

41.
Officer
taking
fees, to lose
his office and
forfeit 50*l*.

And be it Enacted, That before any person entrusted with the custody and control of monies, whether treasurer, collector or other officer of the Conservators, shall enter upon his office, the Conservators shall take sufficient security from him for the faithful execution of his office: Provided always, That the security given by the Chamberlain of the City of London to the Mayor and Commonalty and citizens, for the faithful execution of his office, shall be considered as a security given by the Treasurer to the Conservators, within the meaning of this Act.

42.
Conservators
to take
security from
officers
entrusted
with money.

And be it Enacted, That every officer appointed or employed by the Conservators under or by virtue of this Act, shall from time to time, when required by the Conservators, make out and deliver to them, or to any person appointed by them for that purpose, a true and faithful account in writing, under his hand, of all the monies received by him on behalf of the Conservators, and such account shall state how, and to whom and for what purpose such monies have been disposed of, and, together with such account, such officer shall deliver the vouchers and receipts for such payments, and every such officer shall pay to the Conservators, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

43.
Officers to
account.

And be it Enacted, That if any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Five days after being there-

44.
Summary
recovery
against per-
sons failing
to account.

unto required, he fail to deliver up to the Conservators, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power relating to the execution of this Act, or belonging to the Conservators, then, on complaint thereof being made to a Justice, such Justice shall summon such officer to appear before Two or more Justices at a time and place to be set forth in such summons, to answer such charge, and upon the appearance of such officer, or in his absence, upon proof that such summons was personally served upon him or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer, and if it appear, either upon confession of such officer or upon evidence, or upon inspection of the account, that any monies of the Conservators are in the hands of such officer, or owing by him to the Conservators, such Justices may order such offender to pay the same, and if he fail to pay the amount it shall be lawful for such Justices to grant a warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding Three months, unless the same be sooner paid.

45.
Officers
refusing to
deliver up
documents,
to be im-
prisoned.

Where officer
about to
abscond, a
warrant may
be issued in
the first
instance.

And be it Enacted, That if any such officer refuse to make out any such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power belonging to the Conservators, such Justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts (if any) in his possession or power, belonging to the Conservators: Provided always, That if any Conservator or other person acting on behalf of the Conservators, shall make an oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the Justice before whom the complaint is made, instead of issuing his summons to issue his warrant for bringing such officer before such Two Justices as aforesaid; but no person executing such warrant shall keep such officer in custody longer than Twenty-four hours, without bringing him before some Justice; and it shall be lawful for the Justice before whom such officer may be brought, either to discharge such officer if he think there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before

Two.

Two Justices at a time and place to be named in such order, unless such offender give bail to the satisfaction of such Justice for his appearance before two Justices to answer the complaint of the Conservators.

And be it Enacted, That no such proceeding against or dealing with any such officer as aforesaid, shall deprive the Conservators of any remedy which they might otherwise have against any surety of such officer.

46.

Commitment
not to dis-
charge sure-
ties.

And be it Enacted, That the Conservators shall have full power and authority from time to time to make such bye-laws, rules, orders and regulations as to them shall seem right and proper for the regulation, management and improvement of the said river and the navigation thereof, and for compelling vessels at anchor or otherwise to carry or exhibit lights from sunset to sunrise, and for the government, good order and regulation of vessels in or upon the said river, and of persons navigating the same, or using the towing-paths, piers, landing-places or any of the locks thereof, and for the government and regulation of the officers, servants and workmen in their employ, as the Conservators shall think proper, and from time to time to alter, vary or repeal such bye-laws rules, orders and regulations, or any of them, as they shall think fit, so that no such bye-law, rule, order or regulation be contrary to the laws of England, or to the provisions of this Act, and so as the same be reduced into writing and shall be under the common seal of the Conservators.

47.

Conservators
may make
bye-laws for
the regula-
tion of the
river.

Provided always, and be it Enacted, That all bye-laws, rules, orders and regulations for the regulation, management and improvement of the river, and for the government, good order and regulation of vessels in or upon the river, and of persons navigating the same, or using the towing-paths, piers, landing-places, or any of the locks thereof, which may be in force at the time of the commencement of this Act, shall continue in force and may be enforced by the Conservators until such bye-laws, rules, orders and regulations shall have been made by the Conservators under the authority of this Act, and approved as hereinafter mentioned.

48.

Present
bye-laws to
continue in
force.

And be it Enacted, That it shall be lawful for the Conservators, by any such bye-laws, rules, orders and regulations to impose and inflict

49.

Penalties not
exceeding
£. 10. may
such

be imposed
by bye-laws.

such reasonable fines and forfeitures for the breach or non-performance of such bye-laws, rules, orders and regulations, or any of them, as they shall think fit, so that no one penalty or forfeiture shall exceed the sum of Ten pounds for any one offence: Provided always, That such bye-laws shall be so framed as to allow the Justices before whom any penalty imposed thereby may be sought to be recovered, to order the whole or a part only of such penalty to be paid.

50.
Bye-laws to
be approved
and pub-
lished in
newspapers.

Proof of bye-
laws.

And be it Enacted, That no bye-laws, rules, orders or regulations made under the powers for that purpose herein contained shall be in force until the same shall have been approved by the Superior Board of Thames Conservancy, nor until the same or copies thereof shall have been sent to the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, or the Lord Chief Baron of the Court of Exchequer, and shall have been approved by one of them, nor until after Thirty days after the same shall have been published twice in some London morning newspaper; and a copy of any such bye-laws, rules, orders and regulations under the common seal of the Conservators, with a declaration thereon signed by the secretary that the same have been so approved and published as aforesaid, with the date of such approval and publication, shall be received as evidence of such bye-laws, rules, orders and regulations, and of the approval and publication thereof as aforesaid in all courts of law and equity, and before all Justices.

51.
Conservators
to report to
Superior
Board and to
Parliament.

And be it Enacted, That the Conservators shall present to the Superior Board of Thames Conservancy a general Report of their proceedings every Three calendar months, and also to both Houses of Parliament, in each and every year, a general report of their proceedings, to the Thirty-first day of December of the preceding year.

52.
The Parlia-
mentary
scale of
expenses of
witnesses to
be allowed.

And be it Enacted, That it shall be lawful for the Conservators in any case where they shall see fit so to do, to order and allow the expenses of witnesses according to the Parliamentary scale of allowances to witnesses, and of or attending the production of any books, maps, plans, agreements, accounts, documents, or writings or copies thereof to or before the Conservators, and that they shall be considered as part of the incidental expenses attending the execution of this Act, and be paid accordingly.

And

And be it Enacted, That the Conservators whenever they may thin proper, or shall be required by the Superior Board of Thames Conservancy so to do, shall order surveys and plans of the River Thames, or of any part thereof to be made, and shall deposit one copy of every such survey and plan with the Superior Board of Thames Conservancy, and shall cause another copy of such survey and plan to be open for public inspection in the Conservancy Office; and all persons may, during office-hours, inspect such surveys or plans, upon the payment of the sum of One shilling for any such inspection.

53.
Surveys and
plans to be
made.

And be it Enacted, That the Conservators shall and they are hereby required as soon as conveniently may be after the commencement of this Act, to ascertain and lay down a line for the embankment of the River Thames, and to submit the same to the Superior Board of Thames Conservancy for their approval; and when and so soon as such line shall have been so approved, it shall be laid down and marked on the map or plan or survey of the River hereby directed to be made and kept by the Conservators, and it shall be lawful for the Conservators to alter and vary such line from time to time in such manner as may at any time be approved of by the Superior Board of Thames Conservancy.

54.
Conservators
to lay down
line for the
embankment
of the river.

And be it Enacted, That when and so soon as such line shall have been so ascertained and set out by the Conservators and approved of by the superior Board of Thames Conservancy, and shall have been laid down and marked on the map or plan or survey of the river herein directed to be made and kept by the Conservators, it shall be lawful for the Conservators to grant to the owner or occupier of any land fronting and immediately adjoining the river, a license to make any dock, basin, pier, jetty, wharf, quay or embankment wall, or other work, upon or opposite his land and into the body of the river up to such line of embankment, upon such terms and under and subject to such conditions and restrictions as the Conservators shall think fit to impose.

55.
When line of
embankment
laid down,
owners of
land may
embank to
such line,
with consent
of Conserva-
tors.

And be it Enacted, That it shall not be lawful for any person whomsoever to erect, build or make any embankment, or any erection, building or work upon the shore or bank of the river, or to drive any piles thereon, or in the river, up to or within the line to be so set out as aforesaid, without the consent of the Conservators, save and except only as hereinafter provided.

56.
No erection
within the
lines without
the consent
of the Con-
servators.

57.
Conservators
may take
gross and
annual sum
for granting
licences.

And be it Enacted, That it shall be lawful for the Conservators to agree with any person proposing to make any dock, basin, jetty, pier, wharf, quay or embankment, wall or other work, for the payment of any gross sum of money by way of fine, for license to make the same, and also for the payment of any annual sum by way of acknowledgment for the right to continue the same; and every such gross sum of money shall be paid at the time of granting the license; and every such annual sum of money shall be reserved and made payable to the Conservators by the license, and in default of payment of any yearly or half-yearly payment thereof, on the days mentioned in such license for the payment of the same, such sum may be recovered in the same manner as any penalty may be recovered by the Conservators under the provisions of this Act.

58.
Land em-
banked to
vest in the
owner of the
land in front
of which the
embankment
is made.

And be it Enacted, That when and as soon as any embankment shall have been made under or by virtue of any such license as aforesaid, the land comprised in or acquired by any such embankment shall vest in and be enjoyed by the same persons, for such and the same estates and interests, and shall pass by the same wills, and be subject to such and the same uses, and be held upon such and the same trusts, and for such and the same ends, intents and purposes, and with, under and subject to such and the same powers, provisoes, declarations, agreements, leases, mortgages, annuities, charges, liens and incumbrances, rents, services and customs as the land upon, or opposite to, and immediately in front of which such embankment shall have been made, and in respect of which the license to make such embankment shall have been granted; and whenever any embankment shall have been made in front of any land of freehold tenure, the land comprised in or acquired by such embankment shall be deemed of freehold tenure, and whenever any embankment shall have been made in front of any land of copyhold or customary tenure, the land comprised in or acquired by such embankment shall be deemed of copyhold or customary tenure, and shall be held of the lord of the same manor or lordship, under the same rents, and by the same customs and services, and shall pass by the like surrenders and admittances as the copyhold or customary lands in front of which the embankment was made; and whenever any embankment shall have been made in front of any land of leasehold tenure, the lands comprised in or acquired by such embankment shall in like manner be deemed leasehold, and shall (unless any agreement to the contrary be made between the lessor and lessee) be held under the same rents and covenants as the land in front

front of which the embankment was made, and the remainder or reversion of the land so acquired shall be vested in the same lessors as the remainder or reversion of the lands in front of which the embankment was made was vested at the time of making such embankment.

And be it Enacted, That in case any difference shall arise between the conservators and the owner or occupier of any land fronting and immediately adjoining the river as to the amount of the sum or other consideration to be paid by such owner or occupier for license to make any dock, basin, pier, jetty, wharf, quay or embankment wall or other work upon or opposite his land, and such difference cannot be adjusted and settled between the parties, the same shall, at the option of the said owner or occupier, be settled by arbitration or by the verdict of a jury in the manner directed by the Lands Clauses Consolidation Act, 1845, but subject, nevertheless, to the provisions hereinafter contained.

59.
Differences as to amount of sums to be paid for licenses to be settled by arbitration, or by the verdict of a jury.

And be it Enacted, That in case the amount of the sum or consideration to be paid by the owner or occupier of any land fronting and immediately adjoining the river for any such license as aforesaid shall be required to be settled by arbitration, and the arbitrators shall refuse, or shall, for seven days after request by either party, neglect to appoint an umpire, the Superior Board of Thames Conservancy shall, on the application of either party to such arbitration, appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him, shall be final.

60.
If difference required to be settled by arbitration, umpire to be appointed by Superior Board, in case of need.

And be it Enacted, That in case the amount of the sum or consideration to be paid by the owner or occupier of any land fronting and immediately adjoining the river for any such license as aforesaid shall be required to be determined by the verdict of a jury, and the land in front of and opposite to which the embankment is proposed to be made shall be situated elsewhere than in the city of London, then it shall be lawful for the Conservators, and they are hereby required, upon the request in writing of such owner or occupier, or other person seeking to obtain such license, to issue a warrant under their common seal, to the Sheriff of the county in which such land shall be situated, or to such other person as in the Lands Clauses Consolidation Act, 1845, is directed, requiring him to summon a jury for the purpose of determining the amount of the sum or other consideration to be paid for such license, and such proceedings shall be thereupon had thereon as in the said Act are provided.

61.
If difference required to be settled by a jury, Conservators to issue their warrant to the Sheriff, when land situated without the City.

614.

And

62.
If land
situated in
London, the
Lord Mayor
to issue his
Precept for
summoning
a jury.

Jury men
may be
challenged.

And be it Enacted, That in case the land in front of and opposite to which the embankment is proposed to be made shall be situated within the City of London or the liberties thereof, and the amount of the sum or consideration to be paid by the owner or occupier of such land for a license to make such embankment, shall be required to be determined by the verdict of a jury, then and in such case the Lord Mayor for the time being of the City of London shall, and he is hereby required, upon the request in writing of such owner or occupier or other person seeking to obtain such license, to issue a warrant or precept under his hand and seal of office to the Sheriffs of the City of London, commanding such Sheriffs to summon, return and impanel a jury, and such Sheriffs are hereby authorized and required accordingly to summon, return and impanel Forty-eight substantial and indifferent persons qualified to serve on juries ; and the persons so to be summoned, returned and impaneled as aforesaid are hereby required to come and appear before the Court of Mayor and Aldermen of the City of London, to be holden in the outer chamber of the Guildhall of the said City, according to the custom of the said City, at such time and place as in such warrant or precept shall be directed and appointed, and to attend the said court from day to day until discharged, and out of such persons so to be summoned, returned and impaneled, a jury of Twelve men shall be drawn in such manner as juries for the trial of issues joined in Her Majesty's courts at Westminster are directed to be drawn ; and in case a sufficient number of jurymen shall not appear at the time and place appointed as aforesaid, some person to be by the said court appointed, shall return other substantial and indifferent men of the bystanders or others who can be speedily procured to attend that service, being so qualified as aforesaid, to make up the said jury to the number of Twelve ; and all parties concerned shall and may have their lawful challenges against any of the said jurymen, but shall not be at liberty to challenge the array ; and the said Court of Mayor and Aldermen are hereby authorized and empowered from time to time as occasion shall require, by precept, to summon and call before them every person whomsoever who shall be thought proper and necessary to be examined as a witness on his oath touching or concerning the premises ; and the said Court of Mayor and Aldermen, if they think fit, shall and may, on the application of either party, likewise authorize the said jury or any three or more of them, either before or after they shall be sworn, to view the place and premises in question in such manner as they shall direct, and the said Court of Mayor and Aldermen shall have power to adjourn

adjourn such meeting from day to day as occasion shall require, and to command such jury, witnesses and parties to attend until all such affairs for which they were summoned shall be concluded ; and the said jury, upon their oaths (which oaths as well as the oaths of such persons as shall be called upon to give evidence, the said Court of Mayor and Aldermen are hereby empowered and required to administer), shall enquire of, assess and ascertain and give a verdict for the sum of money or other consideration to be paid or given for a license to make such embankment as in such warrant or precept shall be directed ; and the said Court of Mayor and Aldermen shall give judgment for such sum of money or other consideration so to be assessed, which said verdict and the judgment thereupon shall be binding and conclusive to all intents and purposes, upon all corporations and persons whomsoever.

Verdict of jury to be final.

And be it Enacted, That in every case in which the verdict of a jury shall be given for a less sum of money or other consideration than shall have been previously demanded by the Conservators for the granting of such license, all the costs of such inquiry shall be borne by the Conservators and shall be paid by them out of the Conservancy Fund ; but if the verdict of the jury shall be given for the same or a greater sum of money or other consideration than shall have been previously demanded by the Conservators for the granting of such license, then the costs of such inquiry shall be borne by the person upon whose application the warrant or precept to summon such jury shall have been issued.

63.

Costs of the inquiry how to be borne.

And be it Enacted, That the costs of every such inquiry shall, in case of difference, be settled by one of the Masters in the Superior Courts at Westminster, upon the application of either party, and such costs shall include all reasonable costs, charges and expenses incurred in summoning, impanneling and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and attorneys, recording the verdict and judgment thereon, and otherwise incident to such inquiry ; and such costs shall be paid at the time, and may be recovered in the manner directed by the Lands Clauses Consolidation Act, 1845.

64.

Particulars of costs.

And be it Enacted, That if either party desire any such question to be tried before a special jury, such jury may be summoned in the manner directed by the Lands Clauses Consolidation Act, 1845, and any

65.

Special jury may be summoned at the request of either party.

614.

G

deficiency

deficiency of special jurymen may be supplied in the manner by such Act directed.

66.

Parties
requiring a
jury to enter
into a bond.

And be it Enacted, That every person who shall require a jury to be summoned for the purpose of ascertaining the amount of the sum or other consideration to be paid for the granting of any such license as aforesaid, shall, before the warrant or precept for summoning such jury shall be issued, enter into a bond, if required so to do, to the Conservators, in a penalty of Two hundred pounds, to bear and pay the costs, charges and expenses of summoning, returning and impanneling such jury and taking such verdict, and of the summoning and attendance of witnesses, and recording the verdict or judgment thereon, and otherwise incidental to such inquisition, in case such costs, charges and expenses shall fall upon him.

67.

Conservators
empowered
to grant
licenses for
the formation
of recesses
or docks and
dwarf wharf-
ing.

And whereas there may be cases in which the formation of embankments may not be suitable for the trade and convenient enjoyment of the premises adjoining the river, which would be better accommodated by the formation of recesses, docks or beds for boats and barges, and also cases where in consequence of the deepening and regulating of the navigable channel of the river by the removal of shoals and otherwise, a protection by means of stone or piles or dwarf wharfing will be required ; BE it Enacted, That it shall be lawful for the Conservators to grant licenses for the formation of such recesses or docks and dwarf wharfing, and the driving of such piles in the line of the general embankment or otherwise, and other works, as shall be required for the convenient use, protection and improvement of premises, and the placing and mooring of vesesls in such line and at such levels as shall appear to them requisite for the above purposes, without injurious interference with the navigation of the river or its future improvement ; and that the terms and conditions of such licenses shall in cases of difference be agreed and fixed as in the cases of licenses for embankments.

68.

Conservators
may grant
licences for
the erection
of piers and
jetties.

And be it Enacted, That it shall be lawful for the Conservators from time to time, for the convenience of the public, to license the erection, at any convenient places, of piers or landing-places, of such form and construction as they shall consider most advantageous to the public, and as causing the least obstruction to the navigation of the river, upon such terms and under and subject to such rules, conditions and restrictions as the Conservators shall think fit to impose ; and also from time

to

to time to cause the form and construction of such piers or landing-places to be altered at the expense of the owners of or persons licensed to erect the same, and also from time to time to cause any such piers or landing-places to be removed and taken away at the expense of the owners thereof or of the persons licensed to erect the same, and in case such pier or landing-place shall not be altered or removed within Seven days after notice from the Conservators to alter or remove the same shall have been given to the owner thereof, or to the person licensed to erect the same, or shall have been left upon or affixed to such pier or landing-place, or any part thereof, such pier or landing-place shall be liable to be abated and removed by the Conservators, in the same manner as any other nuisance may be abated or removed under the authority of this Act.

And be it Enacted, That it shall be lawful for the Conservators from time to time as they shall deem necessary for the convenience of the public, to erect at any convenient places, piers or landing-places of such form and construction, as they shall deem most advantageous to the public, and causing the least obstruction to the navigation of the river, and also from time to time to alter and vary the form and construction of such piers or landing-places, and also from time to time to shut up or take away and remove any such piers or landing-places without being obliged to erect or provide any other pier or landing-place in lieu of any so shut up, removed or taken away.

69.

Conservators
may erect
piers and
landing-
places.

Provided always, and be it Enacted, That before the Conservators shall erect or shall grant any license for the erection of any pier or landing-place they shall give One month's notice of their intention so to do by advertisement, in Two daily London morning newspapers, and shall also cause like notice of such intention to be served upon the person in charge of any pier or landing-place established by Act of Parliament, wherever situate, and upon the person in charge of any pier or landing-place existing in the river on the First of July One thousand eight hundred and Forty-seven, which shall be within Three hundred feet of the pier or landing-place proposed to be erected, and it shall be competent to any person claiming any legal or equitable interest in any such pier or landing-place as aforesaid, within such month to lay his case before the Superior Board of Thames Conservancy; and it shall be lawful for such Board, in its discretion, to certify to the Conservators that such case has been so laid before them,

69 a.

Notice to be
given pre-
viously to
the erection
or licensing
of any pier.

and upon the receipt of such notice by the Conservators, all proceedings with respect to the erection or licensing of such pier or landing-place shall be suspended until the approbation of the Superior Board of Thames Conservancy shall have been given to the proposed erection or license : Provided always, That nothing herein contained, or any thing done in pursuance of the directions herein contained, shall be deemed or construed to give to any person owning or having charge of any pier existing on the river previously to the said First day of July any rights, power or authority beyond those possessed by him before the time of the passing of this Act.

70.
Free public stairs or landing-places to be provided in lieu of those taken away by the Conservators.

And be it Enacted, That whenever the Conservators shall shut up, remove or take away, or in any manner obstruct the free use and enjoyment of any existing public stairs or landing-place, they shall cause some equally convenient free public stairs or landing-place to be erected or provided in the place or stead of the stairs or landing-place so shut up, removed or taken away, or the free use and enjoyment of which may be in any manner obstructed.

71.
Piers to be kept in repair, lighted and cleansed.

And be it Enacted, That it shall be lawful for the Conservators to provide proper approaches and avenues to such piers or landing-places, and to cause such piers, landing-places, avenues and approaches to be kept in good repair, and well and sufficiently lighted and cleansed.

72.
Conservators may let on lease piers and landing-places.

And be it Enacted, That it shall be lawful for the Conservators, from time to time, if they shall think fit so to do, to let on lease to any person who may be willing to take the same, for such time, not exceeding Three years, and at such rent as may be mutually agreed upon, any such pier or landing-place, and the right to receive such tolls as the Conservators shall have previously appointed to be taken at such pier or landing-place, and every such lessee shall have the same rights, powers and authorities for taking, receiving and recovering such tolls as are by this Act given to the Conservators, or to any collector or other officer.

73.
Persons may be appointed to preserve order, &c. at piers.

And be it Enacted, That it shall be lawful for the Conservators to appoint a sufficient number of persons to preserve order on or at such piers or landing-places, and the avenues and approaches thereto, and to prevent the intrusion thereon of improper persons or persons who have no intention of embarking on board any vessel from such piers

piers or landing-places, and to drive away any persons who may unnecessarily linger or loiter on or about such piers or landing-places, and to assist any vessel in making fast to such piers or landing-places.

And be it Enacted, That it shall be lawful for the Conservators from time to time to erect and maintain such toll-houses or other conveniences on or near each pier or landing-place erected by them as they shall think fit ; and tolls not exceeding the toll following, shall and may be demanded and taken at each such pier or landing-place so erected as aforesaid by such persons as the Conservators shall from time to time appoint, before any vessel shall be permitted to make fast to, or to moor or touch at any such pier or landing-place for the purpose of landing or embarking passengers or goods, (that is to say) :

74.
Conservators
may take
toll from
Steam-boats
using the
piers.

On steam and other passage vessels, which shall land or embark any passengers or goods at or from any pier or landing-place, for each and every time of calling at the same for every passage, Sixpence ; such toll to be paid by the master of each vessel :

And be it Enacted, That it shall be lawful for any collector of the said toll at any such pier or landing-place, to prevent any boat or vessel, the master of which shall neglect or refuse to pay the proper amount of toll payable by him, from mooring or touching at such pier or landing-place ; or it shall be lawful for such collector to seize and detain the goods and chattels, or the boat or vessel of any person who shall neglect or refuse to pay the proper amount of toll payable by him ; and in case the said toll shall not be fully paid and satisfied, together with all reasonable costs and charges of making, detaining and keeping such distress, within the space of Five days, the said collector shall and may sell the same, rendering the overplus (if any), after deducting such costs and charges of making, detaining, keeping and selling such distress, to the owner thereof: Provided always, That no collector shall be answerable for any loss, injury or damage which may happen to such distress while in his custody, unless the same shall happen through his wilful or gross negligence, act or default.

75.
For enforce-
ing the pay-
ment of toll.

And be it Enacted, That if any dispute shall arise about the amount of toll due, or the costs and charges of distraining, keeping or selling any distress, it shall be lawful for the said collector or person so dis-

76.
Disputes
respecting
toll and
charges to be
settled by a
Justice.

614.

H

training

training to detain the distress or the money arising from the sale thereof, until the amount of toll due, or the charges of distraining, keeping and selling the distress, as the case may be, shall be ascertained by some Justice, who, upon application made to him for that purpose, shall examine the said matters upon the oaths of the parties or other witnesses, and shall determine the amount of toll due, and shall also assess the charges of such distress and sale, and all other reasonable costs, all which sums, so determined or assessed, shall be paid to the collector before he shall be obliged to return the said distress, or the overplus after the sale thereof, or of any part thereof.

77.
Collectors of
toll, &c. not
disqualified
from giving
evidence.

And be it Enacted, That in case any suit, dispute or litigation shall arise touching or in anywise relating to the said toll, the person appointed to collect the same, or any other person acting by or under the authority of the Conservators, shall not be disqualified from giving evidence in any such dispute, suit or litigation, by reason of his being appointed to collect such toll.

78.
Toll may be
reduced and
raised again.

And be it Enacted, That the Conservators shall have full power from time to time to lower or reduce the said toll, and it shall be lawful for them in like manner again to raise the said toll to such sum as they shall think proper, not exceeding the sum before mentioned, and so from time to time as often as they shall deem it necessary or expedient.

79.
Toll gatherers to
put up their
christian and
surnames,
painted on
boards in
front of toll-
house.

And be it Enacted, That every collector of the aforesaid toll shall place his christian and surname, painted on a board in white letters on a black ground, in fair legible characters of such size as the Conservators shall direct, in the front of the toll-house where he shall be stationed to collect the said toll, immediately upon his coming on duty, and shall continue the same so placed during the whole time he shall be upon duty; and if any collector of the said toll shall not place such board as aforesaid in the manner and during the time aforesaid, or shall demand or take a greater or less toll from any person than he shall be authorized to do by virtue of the powers of this Act, or shall refuse to permit or suffer or shall in anywise hinder any person from reading such christian or surname, or shall refuse to tell his christian or surname to any person who shall demand the same, upon having paid the said toll, or shall give a false name upon such demand, then and in every

every such case every such collector shall forfeit and pay any sum not exceeding Five pounds for every such offence, and such penalty shall be recovered and applied as other penalties are by this Act directed to be recovered and applied.

And be it Enacted, That if any person shall forge, counterfeit or alter, or shall deliver to or receive of any other person any note or ticket with intent to avoid the payment of any toll or any part thereof, then and in every such case every such person shall for every such offence forfeit and pay any sum not exceeding Five pounds, to be recovered in like manner as any other penalties or forfeitures can or may be recovered by virtue of this Act, one moiety whereof shall be paid to the informer and the other moiety shall be applied in such manner as other penalties and forfeitures are herein directed to be applied.

80.
Penalty on
counterfeit-
ing toll
tickets.

And be it Enacted, That when and so often as any collector of the toll shall die, or shall neglect or refuse to perform or become incapable of performing his duty, or shall abscond or absent himself, it shall be lawful for the Conservators to discharge such collector so neglecting or refusing to perform or becoming incapable of performing his duty, or absconding or absenting himself, and to appoint some other person to be a collector of the said toll; and if any collector of the said toll who shall be discharged from his said office by virtue of this Act, or the wife or widow, or any of the children, family or other representatives of any collector who shall die or be discharged, or any other person who may have the possession of any toll-house shall neglect or refuse to deliver up the possession thereof for the space of Twenty-four hours next after demand thereof made by notice in writing for that purpose given to such collector or other person, or left at any such toll-house, then and in any of the said cases it shall be lawful for any Justice by warrant under his hand and seal to order a constable or other peace officer, with such assistance as shall be necessary, to enter such toll-house in the day time, and to remove the persons who shall be found therein, together with their goods, out of such house, and to put the Conservators or their new appointed collector into possession thereof.

81.
Conservators
may appoint
collectors,
and for
neglect of
duty dismiss
them and
appoint
others.
If collector,
&c. refuse to
give up toll-
house,
justices may
give posses-
sion.

And be it Enacted, That it shall be lawful for the Conservators to sell and dispose of any toll-house to be erected by virtue of this Act, when it shall be considered by the Conservators unnecessary for the purposes of

82.
Conservators
may sell toll-
houses, &c.
when not
wanted.

of this Act, in the same manner and under the same regulations as are herein contained for the sale of such of the lands hereby authorized to be purchased as may not be wanted for the purposes of this Act.

83.
Conservators
empowered
to lease the
toll.

And be it Enacted, That it shall be lawful for the Conservators from time to time to lease or demise the said toll, or from time to time to compound with any parties for the said toll which would be otherwise payable, either by an annual payment or otherwise, for any term of years not exceeding Three years at any one time, to take effect in possession and not in reversion, for such rent payable at such times and under such covenants as they shall think fit, which rent shall applied for the purposes of this Act.

84.
Penalty for
assaulting
collectors,
&c.

And be it Enacted, That in case any person shall resist or make forcible opposition against any person employed in the due execution of this Act, or shall assault any surveyor, engineer or agent, or any collector of toll, in the due execution of his office, or shall forcibly use any pier or landing-place to be erected by virtue of this Act, without having paid the said toll, every such person shall for every such offence forfeit and pay any sum not exceeding Five pounds.

85.
Amount
of toll to
be affixed
to every pier
or landing-
place.

And be it Enacted, That the Conservators shall, from time to time, cause to be painted on boards, or printed or written on paper, in large and legible characters, and affixed and continued on some conspicuous part of every such pier or landing-place, the amount of the toll to be taken at such pier or landing-place ; and no toll shall be payable by or required of any person during such time as such board or paper shall not continue to be affixed thereon : Provided always, That if such board or paper shall be destroyed, injured or obliterated, such toll shall continue payable during such time as may be reasonably required for the restoration or reparation of such board or paper, in the same manner as if the same had continued affixed or in the state required by this Act.

86.
Toll may be
compounded
for.

And be it Enacted, That it shall be lawful for any person or company to compound for the toll payable at any such pier or landing-place, upon such terms as may from time to time be agreed upon between such person or company and the Conservators ; and so long as such composition shall continue, and such person or company shall obey the regulations made by the Conservators for the good order and management

management of such pier or landing-place. it shall be lawful for such person or company, and any other person named, either nominally or as a class, in the instrument by which such composition shall be made, to use and enjoy the pier or landing-place in respect of which such composition shall have been made : Provided always, That every such composition shall be in writing, and shall contain a covenant to pay the composition money, and shall be granted under the seal of the Conservators, but no such composition shall be valid unless it shall be made for a term not exceeding One year.

And be it Enacted, That it shall be lawful for the Conservators from time to time to appoint such harbour-masters and deputy harbour-masters as they shall from time to time think necessary, and at pleasure to remove such harbour-masters and deputy harbour-masters : Provided, That every person now holding the office of a harbour-master shall continue to hold such office, until he shall be removed, and that nothing herein contained shall be taken to affect or alter the mode in which the present harbour-masters are now removable, except that the Conservators shall exercise the rights now exercised by the Lord Mayor in that behalf.

87.

Power to
appoint har-
bour-masters
and deputy
harbour-
masters.

Provided always, and be it Enacted, That no person shall be appointed by the Conservators to execute the office of harbour-master or deputy harbour-master under and by virtue of this Act, unless such person shall, after being duly examined by the master, wardens and assistants of the corporation of Trinity House of Deptford Strond, produce a certificate from them the said master, wardens and assistants, of the proper qualification of such person to execute the said office; and if at any time after any person shall be so appointed, it shall be certified by Three or more of the Elder Brethren of the Trinity House to the Conservators, that the person so appointed hath neglected his duty, or not properly conducted himself in the execution thereof, such person shall from thenceforth be discharged from the said office, and shall be incapable of being again restored thereto, without the consent and approval of Three or more of the Elder Brethren of the Trinity House; but the Conservators shall, within a convenient time, appoint another person as hereinbefore is directed, to execute the said office, instead of the person so discharged; and in order to enable the Elder Brethren of the Trinity House to certify any neglect of duty, or improper conduct in the persons so appointed as aforesaid, every person

88.

Harbour-
masters and
deputy har-
bour-masters
to be ap-
proved by
the Trinity
House, who
may procure
them to be
removed.

so appointed shall, and he is hereby directed to attend the said Elder Brethren whenever he shall be required so to do by writing under the hands of any Three or more of them.

89.
Powers of
harbour-
masters.

And be it Enacted, That it shall be lawful for the harbour-masters for the time being to give directions for all or any of the following purposes ; (that is to say)

For regulating the time and manner in which any vessel shall enter into, go out of, or lie in the said river, and the position, mooring or unmooring, placing or removing any vessel within the same :

For regulating the manner in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or deliver ballast within the said river :

Provided always, That it shall not be lawful for such harbour-master to direct that any vessel shall lie or be within any part of the said river, where by any Act of Parliament it shall or may be directed that no vessel shall lie or be.

90.
Penalty on
harbour-
master, &c.,
exercising
powers with-
out reason-
able cause.

And be it Enacted, That in case any harbour-master shall, without reasonable cause exercise any of the powers or authorities vested in him by this Act, he shall for every such offence, forfeit a sum not exceeding Twenty pounds.

91.
Penalty on
not comply-
ing with the
directions of
the harbour-
master.

And be it Enacted, That the master or commander of every vessel within the said river, shall regulate such vessel according to the directions of the harbour-master for the time being, made in conformity with this Act, and any master or commander of any vessel, who, after notice in writing signed by the said harbour-master, of any such direction served upon him, shall not forthwith regulate such vessel according to such direction, shall be liable to a penalty not exceeding Ten pounds.

92.
Power of
harbour-
masters to
remove
vessels.

And be it Enacted, That if the master or commander of any vessel within the limits of this Act shall not moor, unmoor, place or remove such vessel according to the directions of the said harbour-master for the time being, in writing, given to the said master or commander, it shall be lawful for any such harbour-master to cause such vessel to be moored, unmoored, placed or removed according to the directions aforesaid, and to employ a sufficient number of persons for that purpose, and the expenses attending such mooring, unmooring, placing or removing

removing shall be paid by such master or commander, and shall, together with the costs of ascertaining and recovering the same, be ascertained and recovered from any such master or commander, in the same manner as any damages for the ascertaining and recovering of which no special provision is contained in this Act, are hereby directed to be ascertained and recovered.

And be it Enacted, That if any master or commander of any vessel within the said river, or any person on board the same, shall hinder the said harbour-master, or any person employed by him, in mooring, unmooring, placing or removing such vessel in manner aforesaid, such master or commander, or other person, shall forfeit for every such offence a sum not exceeding Ten pounds.

93.
Penalty on
master or
commander
for obstruct-
ing harbour-
master.

And be it Enacted, That if any master or commander, or other person on board any vessel which shall be moored or fastened within the said river, shall not, upon demand of the said harbour-master, unloose or slacken the rope or chain by which such vessel shall be moored or fastened, or if there shall be no person on board of any such vessel so moored or fastened, it shall be lawful for the said harbour-master to unloose or slacken the rope or chain by which such vessel shall be so moored or fastened as aforesaid, and to cause, if necessary, a sufficient number of persons for the protection of the same to be put on board such vessel, and all expenses thereby incurred shall be paid by the master or commander of such vessel.

94.
Harbour-
master may
slacken ropes

And be it Enacted, That it shall be lawful for the Conservators, if they shall think fit so to do, from time to time to pay such annual or other sum of money as to them shall seem fit and reasonable, to any officer or person in their employ, in addition to the usual salary or wages of such officer or person, for any extra or unusual service, or as a compensation for any accident, injury, loss or damage which may happen to or be sustained by such officer or person, and also to any officer or person in their employ, by way of retiring or superannuation allowance for length of service, and also to the widow or children of any officer or person in the employ of the Conservators, or engaged in the execution of any work for them : Provided always, That the scale for retiring or superannuation allowances shall from time to time be approved by the Superior Board of Conservancy and by the Lords Commissioners of Her Majesty's Treasury.

95.
Conservators
may give
gratuities
and pay su-
perannuation
allowances.

614.

And

96.
A tide-scale
or gauge, and
barometer,
may be set
up.

And be it Enacted, That the Conservators shall, when, and where, required by the Superior Board of Thames Conservancy, place or construct in convenient situations, within the limits of this Act, a tide-scale or self-registering tide-gauge, with a barometer or any other instrument which they may think necessary, and cause a record of the results thereof to be kept.

97.
Conservators
may direct
informations
to be filed.

And be it Enacted, That whenever any person shall be in possession of or claim the right and property in or over any lands which have been overflowed by tidal waters, which said possession or claim of right and property shall be disputed by the Conservators, then they may, with the consent of the Attorney-General and the Superior Board of Thames Conservancy, cause an information to be filed against the said party so being in possession of or claiming the right and property as aforesaid, upon giving security for costs in case of failure.

98.
Vessels sunk
or stranded,
to be raised
and sold to
defray ex-
penses.

And be it Enacted, That when and so often as any vessel shall be sunk or stranded in the said river, it shall be lawful for the Conservators, and they are hereby required, in case the master of such vessel shall refuse or neglect to weigh and raise the same, after notice in writing requiring him so to do, and within the time to be mentioned in such notice to cause any such vessel to be weighed and raised, or if it shall be found impracticable to weigh and raise the same, (of which impracticability the Conservators shall be the sole judges) to cause such vessel to be blown up or otherwise destroyed, so as to clear the river therefrom, and in case such vessel shall be weighed and raised, to cause the same, and the furniture, tackle and apparel thereof, or of any part thereof respectively, and also all or any part of the goods, wares, merchandize, chattels and effects which may be found on board the same, to be sold by public auction or otherwise, and by and out of the proceeds of such sale, to pay the charges and expenses of weighing and raising such vessel, or the blowing up or otherwise destroying the same, and clearing the said river therefrom, and also the charges and expenses of such sale, rendering any overplus to the owner or other person who by law shall be entitled to the same, and in case the proceeds of such sale shall be insufficient to defray the charges and expenses of weighing and raising such vessel, or of the blowing up or otherwise destroying the same, and clearing the river thereof, the deficiency shall be paid by the Conservators out of the Conservancy Fund.

And

And be it Enacted, That it shall be lawful for the Conservators, and they are hereby authorized and empowered to remove or cause to be removed all impediments or obstructions, which at any time hereafter may arise within the said river from extraordinary floods, or other sudden causes, so far as the same may interfere with the free flow of the waters of the said river, and impede the navigation of the same ; and also to abate and remove, or cause to be abated and removed all nuisances or abuses whatsoever within the river which may in anywise affect the flow of the waters therein, and the navigation thereof.

99.
Conservators
may remove
impediments
and obstruc-
tion from
sudden
causes, and
all nuisances
in the river.

And be it Enacted, That it shall be lawful for the Conservators from time to time to place and lay down such buoys and beacons as shall be necessary and convenient for the navigation of the said river.

100.
Buoys and
beacons.

And be it Enacted, That from the commencement of this Act all mooring-chains then belonging to the Mayor and Commonalty and Citizens shall be transferred to and they are hereby vested in the Conservators, and the Conservators are hereby required to maintain the same in good order and repair ; and also from time to time to remove the same to such other more convenient situations, and to put or place such additional mooring-chains as they shall from time to time think necessary or convenient.

101.
Mooring-
chains vested
in Conser-
vators.

And be it Enacted, That it shall be lawful for the Conservators from time to time to agree with any person being the owner of any private mooring-chains for the purchase of such mooring-chains, and to pay to such person such purchase-money or compensation as may be agreed upon.

102.
Conservators
may pur-
chase private
mooring-
chains.

And be it Enacted, That from and after the commencement of this Act, no mooring-chains shall be put down or placed in any part of the said river without the permission of the Conservators previously obtained ; and that every such mooring-chain which shall be put down or placed, shall be so continued only during the pleasure of the Conservators ; and the Conservators may at any time, by giving One week's notice in writing, require such mooring-chains to be removed ; and in case default shall be made in such removal beyond the time to be mentioned in such notice, such mooring-chain may be treated by the Conservators as a nuisance, and removed accordingly.

103.
No mooring-
chains to be
laid down
without per-
mission of
the Conser-
vators.

614.

K

And

104.
All private
mooring-
chains in the
stream or
tide-way
may be re-
moved.

And be it Enacted, That no private mooring-chain shall be permitted to continue within the stream or tide-way of the said river ; and it shall be lawful for the Conservators to remove the same, making compensation to the owners thereof for any loss or damage which they may sustain in consequence of such removal, such compensation to be ascertained in the manner provided for the taking of land by the Lands Clauses Consolidation Act, 1845.

105.
Banks may
be cut.

And be it Enacted, That it shall be lawful for the Conservators to cut the banks of the said river for the purpose of making, enlarging or repairing any dock or canal, or any drain, sewer or watercourse, or altering. laying down or repairing any suction or other pipe, or for any other purpose whatsoever, or to permit and suffer any person to cut the banks for any of the purposes aforesaid, under such restrictions and upon such terms and conditions as the Conservators shall think proper to impose : Provided always, That where such banks shall be cut for the purpose of making any dock or canal, the approbation of the Superior Board shall be previously obtained.

106.
Wharfs to be
repaired.

And be it Enacted, That when, in the opinion of the Conservators any wharf, or any portion thereof, shall be out of repair or insecure, so as to be dangerous to any person passing along the said river, or to any vessel either moored alongside of or passing by the same, or is in any manner injurious or likely to be injurious to the said river, or to the free navigation thereof, it shall be lawful for the Conservators, by notice in writing given to the owner or occupier of such wharf, or if such owner or occupier cannot be found, left upon or affixed to such wharf, to require the owner or occupier thereof to repair such wharf, to the satisfaction of the surveyor for the time being of the Conservators, within a time to be limited in such notice ; and in case the owner or occupier of such wharf shall refuse or fail or neglect to repair such wharf to the satisfaction of such surveyor, within the time to be limited as aforesaid, then and in such case it shall be lawful for the Conservators to put such wharf into repair, and to recover the expenses incurred thereby from the owner or occupier thereof, or the owner or occupier of any house or land to which such wharf may belong, or with which the same may be connected and used ; and such owner or occupier shall also forfeit a sum not exceeding Ten pounds for every day during which such wharf shall continue out of repair after the expiration of the time limited in the notice for the repair thereof.

And

And be it Enacted, That it shall be lawful for the Conservators from time to time to remove any broken or useless piles or mooring-chains and other nuisances, and to order the removal or shortening of any waterways, causeways, stairs or other projections injurious to the navigation of the river.

107.
Broken piles,
&c., to be
removed.

And be it Enacted, That the owner of every vessel navigating the said river shall be and he is hereby made answerable for all trespasses, damages, spoil or mischief that shall be done by such vessel, or by any of the boatmen or other persons belonging to or employed in or about the same respectively, by any means whatsoever, to any of the property or effects of the Conservators, or the banks or other Works erected, maintained or repaired under the provisions of this Act; and the owner of every such vessel shall, for every such trespass, damage, spoil or mischief so committed as aforesaid, upon conviction of the person so committing the same before any Justice, on the oath of any credible witness, or on the confession of the party offending, pay to the Secretary of the Conservators such damages, satisfaction and compensation as shall be ascertained, fixed and determined by such Justice, together with all costs, charges and expenses attending such conviction, provided that such damages, satisfaction and compensation shall not exceed the sum of Twenty pounds, besides the costs of such conviction, and also shall forfeit and pay to the informer any sum not exceeding Five pounds, to be settled and determined by such Justice; and in case such damages, satisfaction or compensation, penalty and costs shall not be paid on demand, the same shall be recoverable in the same manner as any penalty is by this Act directed to be recovered; but in case such damage shall exceed the sum of Twenty pounds, the said owner may be sued by the Conservators for such damages, satisfaction or compensation.

108.
Owners
accountable
for damage
done by
boatmen to
works or
property of
the Con-
servators.

Provided always, and be it Enacted, That every such boatman or other person so offending as last-aforesaid, shall be answerable for, and shall repay all such damages, satisfaction, compensation and penalty as shall be so ascertained, fixed and determined, and recovered as aforesaid, with all the costs of levying and recovering thereof, to his master or owner, and in case of non-payment thereof on demand, on oath, made by such master or owner of the payment made by him of such damages, satisfaction, compensation, penalty and costs, and that the same have been demanded of such boatman or other person

109.
Boatmen to
be answer-
able to their
masters for
all such da-
mages and
costs.

respectively, but that the same have not been repaid (such oath to be made before any Justice), the amount thereof shall be recovered in like manner as any penalty is hereby directed to be levied and recovered, by warrant under the hand and seal of such Justice.

110.
Punishment
of persons
wilfully
destroying
works.

And be it Enacted, That if any person shall wilfully or maliciously damage or injure any pier or landing-place, or other works to be constructed by the Conservators under the provisions of this Act, or any lock, weir, gate, toll-house, mooring-chain, buoy, beacon, vessel, implements, tools, stores, matters or things whatsoever at any time vested in or belonging to the Conservators, or shall wilfully or maliciously, and without authority from the Conservators, remove or take away any of the works, matters or things thereunto or to any of them belonging, or in any manner direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said locks, weirs, gates, toll-houses, mooring-chains, buoys, beacons, vessels, implements, tools, stores, matters or things, or the works thereof respectively, may be damaged, any person so offending shall be deemed guilty of Felony, and every such person so offending, and being thereof lawfully convicted, shall be subject to the like punishments and penalties as in cases of Felony, and the Court by or before whom such person shall be tried and convicted, shall have power and authority to cause such person to be punished in like manner as Felons are directed to be punished by the laws and statutes of this realm, or in mitigation of such punishments, such court may award such sentence as the law directs in cases of simple Larceny.

111.
Conservators
empowered
to dredge,
cleanse and
scour the Ri-
ver Thames.

And be it Enacted, That it shall be lawful for the Conservators, and they are hereby authorized and empowered, for the purpose of maintaining and improving the navigation of the river, from time to time as occasion may require, to dredge, cleanse and scour the river, and to alter, vary, deepen, restrict, cleanse, scour, dredge, cut, enlarge, diminish, contract, shorten, widen, straighten, and improve the bed and channel of the river, and to reduce or remove any banks or shoals whatsoever within the river, and to abate and remove, or cause to be abated and removed, all impediments, obstructions, and annoyances, and all nuisances and abuses whatsoever in the river, or on the banks and shores thereof, which may now or at any time hereafter, be injurious to the said river, or obstruct, or tend to obstruct, the free navigation thereof.

And

And be it Enacted, That the Conservators shall, and they are hereby required, within Six years from the commencement of this Act, to remove and scour away the several shoals following; (that is to say)

112.
Conservators
to perform
certain
works within
Six years.

A shoal below Erith, called Rands Hill.
A point of sand at Cold Harbour.
A shoal of sand in Erith Reach.
Dagenham Shelf.
Barking Shoal.
Barking Shelf.
A shoal opposite Gallion's Point.
Ham Shelf, opposite Woolwich Dock-yard.
Bugsby's Hole, a Shoal Water Reach.
A shoal opposite the River Lea.
A rock above the entrance of the River Lea.
Two middle grounds between Blackwall and Greenwich.
A shoal called Whiting Shoal.
Lime-kiln Shore Dock.

And be it Enacted, That when the several shoals hereinbefore mentioned shall have been removed and scoured away, the Conservators shall and they are hereby required gradually to reduce the bed of the River Thames eastward of London Bridge to a uniform increasing depth (wherever it is practicable without injury to wharfs, embankments and buildings) in a channel being not less than Four hundred and fifty feet wide at low water at London Bridge, and increasing in width downwards at the rate of Twenty feet per mile, and the depth of the River at London Bridge, for the whole width of the channel, being not less than Twelve feet at low water spring tides, and increasing downwards at the rate of not less than Six inches per mile, and to maintain the aforesaid width and depth of the channel of the River.

113.
Conservators
to widen and
deepen the
channel of
the River.

And be it Enacted, That it shall be lawful for the Conservators from time to time to remove, scour and take away any shoal, mud bank or other accumulation which shall impede the navigation of the river, and also to shorten any bend, or remove any angle in the course of the river, and for such purpose to enter into agreements with the owners of land adjoining or near to the river for the purchase of land, or otherwise to enable them to effect the same.

114.
Power to
shorten
bends.

And be it Enacted, That it shall be lawful for the Conservators to purchase, provide and maintain all such apparatus, matters and things

115.
Humane
apparatus
and assistants

614.

L

as

may be provided.

as may appear to them to be necessary to assist in searching for drowned persons, and restoring animation to persons apparently drowned, and to employ and reward assistants therein in such manner as to the Conservators shall seem expedient.

116.

Penalty on throwing ballast out of vessels into the Thames, &c.

And be it Enacted, That no ballast shall be unladen or thrown from or out of any vessel, barge or lighter into the River Thames; and the master of any vessel, barge or lighter in the river who shall throw, or cause or suffer to be thrown any ballast out of any such vessel, barge or lighter into the river, or shall place or cause or suffer to be placed any such ballast on any shore or ground below the high-water mark in the river, shall forfeit for every such offence the sum of Twenty pounds.

117.

Penalty on throwing rubbish, &c., into the Thames.

And be it Enacted, That every person who shall unload, put or throw into any part of the River Thames, or on any shore or ground below the high-water mark of the river, any rubbish, earth, ashes, dirt, mud, soil or other matter, shall forfeit for every such offence any sum not exceeding Twenty pounds, nor less than Forty shillings; and it shall be lawful for any police constable, and for all persons whom he shall call to his assistance, to take into custody any person who shall unload, put or throw any rubbish, earth, ashes, dirt, mud, soil or other matter into any part of the River Thames, or on any shore or ground below the high-water mark of the river, and convey him with all convenient despatch before some Justice, without any warrant or other authority than this Act, and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

118.

Powers of the Queen and of the Corporation of London, vested in Conservators.

And be it Enacted, That from and after the commencement of this Act, all the powers and authorities, rights and privileges which are now vested in, or which have been or may be exercised by Her most Excellent Majesty in right of Her Crown, and all the powers and authorities, rights and privileges at any time heretofore given or granted to or which are now vested in, or which have been or may be exercised by the Mayor and Commonalty and Citizens of the City of London, or by the Mayor and Aldermen of the City of London, or by the Mayor, Aldermen and Commons of the City of London in Common Council assembled, or the Mayor for the time being of the said city, by prescription, usage, charter or Act of Parliament or otherwise, with regard or relation to the conservancy and the preservation

vation and regulation of the River Thames, the River Medway and the Port of London, shall be and the same are hereby vested in the Conservators by this Act appointed, to be by them exercised in the same manner and under and subject to the same restrictions as the same are now respectively legally exercised by Her Majesty, or by the Mayor and Commonalty and Citizens, or by the said Mayor and Aldermen, or by the Mayor, Aldermen and Commons of the said City, in Common Council assembled, or by the said Mayor, save only and except so far as the same may be modified by or be inconsistent with the provisions herein contained.

And be it Enacted, That it shall be lawful for the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond, and they are hereby authorized and required when and as often as and within a reasonable time after they shall have been required by the Conservators so to do, to dig, raise, take up, remove and carry away, or otherwise reduce in such manner and to such depth and extent as they may be required, all such shoals, shelves and banks in the River Thames, as the Conservators shall at any time or times, and from time to time, designate and point out by notice in writing, to be addressed to the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond, and lay and deposit the gravel, sand and soil, and other materials of which such shoals, shelves and banks may be composed, or which may be obtained in reducing the same, or which shall not be needed by the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond, for the ballasting of vessels in such place or places as may be required or mentioned in such notice, they, the Conservators paying to the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond (which the Conservators are hereby empowered and authorized to do) such sum and sums of money as shall or may from time to time be settled and agreed upon by and between the Conservators and the said Master, Wardens and Assistants, as a reasonable and proper remuneration to the said Master, Wardens and Assistants for the costs and expenses which they may have incurred in digging, raising, taking up, removing and carrying away, or otherwise reducing such shoals, shelves and banks, and in laying and depositing the materials thereof in such place or places as aforesaid; and in case any difference or disagreement shall arise between the Conservators and the said Master, Wardens and Assistants as to the amount of such remuneration, or as to any

119.
Trinity Corporation to remove shoals, &c. when required by the Conservators.

other matter connected with the reduction or removal of such shoals, shelves and banks, or the depositing of the materials thereof in such place or places as aforesaid, the same shall be referred to the decision of the Superior Board of Thames Conservancy, who shall determine the same, and whose decision shall be final and conclusive in all respects.

120.
The Conservators may prevent ballast from being taken in places where its removal might be injurious to the Navigation.

And be it Enacted, That it shall be lawful for the Conservators at any time or times, by notice in writing addressed to the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond, to prohibit the said Master, Wardens and Assistants, their officers, servants and workmen, from raising or taking any ballast, or any materials for ballast, in any place or places in or from which the raising or taking of ballast, or materials for ballast, may, in the judgment of the Conservators, be injurious to the navigation of the River, or to the due execution of the Works to be directed by them; and the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond, shall not, after the delivery to them of any such notice as last aforesaid, raise or take any ballast, or materials for ballast, in any place or places in or from which they may have been by any such notice prohibited by the Conservators from raising or taking any such ballast, or materials for ballast, as aforesaid,

121.
Incorporation of Lands Clauses Consolidation Act.

And be it Enacted, That for the purpose of enabling the Conservators to effect the purchases by this Act authorized, and to carry into execution the several purposes of this Act, "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form part of this Act, and the provisions of the said Lands Clauses Consolidation Act shall be applicable to the purposes of this Act, except so far as the same provisions or any of them are inconsistent with this Act, or are hereinafter declared not to extend thereto; and in construing the said Act the Conservators of the River Thames shall be deemed the promoters of the undertaking for which such lands are required.

122.
Certain clauses in Lands Clauses Consolidation Act, not to apply to this Act.

Provided always, and be it Enacted, That the provisions in the said Lands Clauses Consolidation Act contained, relating to the purchase and taking of lands otherwise than by agreement, and also the provisions therein contained, directing lands not wanted to be sold, and that lands not sold shall vest in the owners of adjoining lands, and that lands intended to be sold shall be offered to adjoining owners, and requiring owners to claim their right of preemption within Sixty days, shall not extend to this Act or to the purposes thereof.

And

And be it Enacted, That it shall be lawful for the Conservators from time to time, as they shall think fit, to purchase from any person who may be willing to sell the same, or to hire or take upon lease for a term of years, or for lives or for years determinable upon lives, at such rent as shall be mutually agreed upon, any land which the Conservators shall require for any of the purposes of this Act.

123.
Conservators
may pur-
chase land
for the pur-
poses of this
Act.

AND whereas by means of the purchases which the Conservators are empowered to make by virtue of this Act, they may happen to become possessed of more land than will be necessary for effecting the purposes of this Act; BE it therefore Enacted, That it shall be lawful for the Conservators to contract for and to sell for such considerations as they may deem reasonable, and by any deed under their corporate seal to convey to the purchasers thereof any part of such superfluous lands, or any estate or interest purchased by the Conservators in such land, or any part thereof, in such manner as they shall deem most advantageous, and such contracts, sales and conveyances from the Conservators shall be valid and effectual to all intents and purposes; and the money produced by the sale which may be made by the Conservators of such land as aforesaid shall be added to the Conservancy fund; and all conveyances which shall be made by the Conservators pursuant to the authority by this Act in them reposed, shall be adjudged sufficient to vest such estate in the purchaser as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such conveyance.

124.
Enabling the
Conservators
to sell lands
not wanted.

And be it Enacted, That for the purpose of defraying the expenses of carrying this Act into execution, it shall be lawful for the Conservators from time to time to borrow and take up at interest, any sum of money, which, together with any sum previously borrowed by the Conservators, shall not at any one time exceed the sum of One hundred thousand pounds, on the credit of the fines, rents, tolls and other dues and profits by this Act given to, vested in, or authorized to be received by the Conservators; and in the event of all or any part of such monies being repaid by the Conservators, to re-borrow the same, and so toties quoties, but so nevertheless that there shall not be owing on the security aforesaid, under the authority of this Act, any more than the said sum of One hundred thousand pounds in the whole at any one time; and for securing the repayment of the monies so to be borrowed, with interest, the Conservators may assign over the said fines, rents,

125.
Conservators
to raise a
sum, not
exceeding
100,000*l.*, for
the purposes
of this Act.

614.

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tolls

tolls and other dues and profits, or any of them, or any part thereof respectively, to the person who shall lend and advance such money, or his trustees, as a security for the repayment of the money so to be borrowed, together with interest for the same.

126.

Accounts to be kept of receipts and disbursements, which shall be open to inspection.

And be it Enacted, That the Conservators shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for or on account of this Act, and of the several purposes for which sums of money shall have been received and paid, and which books shall at all seasonable times be open to the inspection of the Conservators ; and every mortgagee of, and creditor on, the fines, rents, tolls and other dues and profits payable under this Act, without fee or reward ; and the Conservators and persons aforesaid or any of them, may take copies of or abstracts from the said books, without paying any thing for the same ; and any secretary, clerk or other person having the custody of the said books, who shall not on any reasonable demand, permit any of the Conservators, mortgagees or creditors as aforesaid, to inspect the said books, or take such copies or extracts as aforesaid, shall forfeit and pay for every such offence, a sum not exceeding Five pounds.

127.

Accounts to be examined and settled at the annual meeting.

And be it Enacted, That the accounts of the monies received and expended by the Conservators, together with an abstract of the same, shall be produced at the annual meeting of the Conservators, or at some adjournment thereof, and the accounts shall be examined and settled by the Conservators then present ; and if the same shall be found just and true, they shall be allowed by the Conservators, and certified accordingly under the hand of the chairman of such meeting, and after such accounts shall have been so allowed and signed, the same shall be final in regard to all persons whomsoever, unless an appeal be prosecuted against such accounts at one of the two then next General Quarter Sessions, which appeal it shall be lawful for any person interested in such accounts to institute, previous notice in writing of such appeal having been given to the secretary to the Conservators Fourteen days at least before the hearing of any such appeal.

128.

Statements of accounts to be prepared, and to be open for inspection.

Provided always, and be it Enacted, That Fourteen days at the least previously to such examination and settlement as aforesaid, the Conservators shall cause a full and true statement and account to be drawn out of the amount of all contracts entered into, and of all monies received and expended by virtue of this Act, during the preceding year, and

and also of all debts then owing by the Conservators, and they shall allow such statement and accounts to remain for inspection at the Conservancy office ; and every mortgagee or creditor on the fines, rents, tolls and other dues and profits payable under the authority of this Act, and any person acting on behalf of any such creditor or mortgagee, may at all reasonable times inspect such statement and account, and the said statement and account shall be printed, and the secretary shall on demand furnish a copy thereof to every such mortgagee or creditor, without fee, and Fourteen days at the least, previously to the meeting for examining and settling such account, the Conservators shall give public notice of such intended meeting, stating in such notice that the said statement and account are at the Conservancy office, ready for the inspection of the creditors, or other parties interested.

And be it Enacted, That previously to the meeting so to be held for examining and passing the accounts of the Conservators, it shall be lawful for the Superior Board of Thames Conservancy to nominate Three persons (not being Conservators) to be auditors of the Accounts of the Conservators; and the persons so to be nominated Auditors, before entering on their offices, shall make and sign before a Justice a solemn declaration that they will faithfully and impartially discharge the duties of their office; and the Auditors so appointed as aforesaid shall receive such remuneration for their services as the Superior Board of Thames Conservancy shall have fixed for the same some day previously to the day of the appointment of such Auditors, which shall be paid to the Auditors by the Conservators out of the Conservancy fund.

129.
Appointment
and payment
of Auditors.

And be it Enacted, That the Auditors so appointed as aforesaid, shall forthwith, or at the time appointed for that purpose, attend at the Conservancy office, or at some other convenient place to be appointed by the Conservators, and from time to time shall, in the presence of the secretary to the Conservators, in case he shall desire to be present, proceed to audit the accounts of the Conservators for the year preceding the appointment of such Auditors, and the Conservators shall, by their secretary produce and lay before such Auditors at every such meeting the statement and account hereinbefore mentioned, accompanied with proper vouchers in support of the same, and all books, papers or writings in their custody or power relating thereto; and if the said account shall be found to be correct, such Auditors shall sign the same, and if

130.
Auditors to
examine ac-
counts, and
to appeal, if
they think
fit.

such Auditors shall think that there is just cause to disapprove of any part of the said accounts, it shall be lawful for such Auditors, or any other person interested in the said accounts, to appeal against any such part of the said accounts as shall be so disapproved of, to one of the Two next general quarter sessions of the county of Middlesex, notice in writing of such appeal being given to the secretary of the Conservators Fourteen days at the least prior to the hearing of such appeal.

131.
Annual account to be transmitted to the Comptroller of the City.

And be it Enacted, That the Conservators shall every year cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all funds levied by virtue of this Act, for the year ending on the Thirty-first day of December, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the secretary for the time being of the Conservators ; and shall transmit a copy of the said account, free of charge, to the Comptroller of the Chamber of the City of London, immediately after the same shall have been duly audited and certified as aforesaid, such account to be preserved by him in his office, and to be open to the inspection of the public at all seasonable hours, on payment of the sum of One shilling for every such inspection : Provided always, That if the Conservators shall omit to prepare and transmit such account as aforesaid, they shall forfeit for every such omission the sum of Twenty pounds.

132.
Form of Mortgage.

And be it Enacted, That every such mortgage shall be by deed duly stamped, in which the consideration shall be truly stated ; and every such deed shall be under the common seal of the Conservators, and may be according to the form in Schedule (A.) to this Act annexed, or to the like effect.

133.
Mortgages to be without preference.

And be it Enacted, That all persons to whom such mortgages shall be made, or who shall be entitled to the monies thereby secured, shall, in proportion to the sums therein respectively mentioned, be creditors on the said fines, rents, tolls and other dues and profits, equally one with another, without any preference in respect of the priority of advancing such monies, or of the dates of any such mortgages respectively.

134.
Conservators may raise money by annuity.

And be it Enacted, That it shall be lawful for the Conservators to raise all or any part of the money to be borrowed for the purposes of this

this Act by granting annuities for lives, instead of mortgages, as aforesaid; and for that purpose for the Conservators to charge the tolls, rates and assessments granted by this Act with an annuity, to determine on a life or lives in being in favour of any person who shall advance to the Conservators any sum of money for the purchase of the same.

And be it Enacted, That every such grant of annuity shall be by deed duly stamped, in which the consideration shall be truly stated, and shall be made under the common seal of the Conservators, and may be in the form in Schedule (B.) to this Act annexed, or to the like effect.

135.
Form of
grant of
annuity.

AND for preventing improvident grants of annuities; BE it Enacted, That the price to be paid for any such annuity shall not be less than the price of a similar annuity paid by law for such annuity granted by the Commissioners for the Reduction of the National Debt.

136.
For prevent-
ing improvi-
dent grants
of annuities.

And be it Enacted, That every annuity so granted shall be paid out of the fines, rents, tolls and other dues and profits, according to the grant of such annuity, and shall have priority after any mortgages granted under this Act.

137.
Annuities to
rank after
mortgages.

And be it Enacted, That the expenses of every mortgage and grant of annuity shall from time to time be defrayed by the Conservators out of the money raised by the same.

138.
Expenses of
mortgages
and annui-
ties.

And be it Enacted, That a register of such mortgages and annuities shall be kept by the secretary to the Conservators, and within Fourteen days after the date of any such mortgage or annuity, an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in such register, and such register may be perused at all reasonable times by any person interested therein without fee or reward.

139.
Register of
mortgages
and annui-
ties to be
kept, and to
be open to
inspection.

And be it Enacted, That from time to time any party entitled to any such mortgage or annuity, may transfer his right and interest therein to any other person by writing, duly stamped, wherein the consideration shall be truly stated, and any such transfer may be according to the form in the Schedule (C.) to this Act annexed, or to the like effect.

140.
Assignment
of mortgages
and annui-
ties.

614.

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And

141.
Register of
transfers to
be kept.

And be it Enacted, That within Thirty days after the date of every such transfer, it shall be produced to the Treasurer of the Conservators, and thereupon such Treasurer shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or annuity, and for such entry the Treasurer may demand a sum not exceeding Five shillings ; and after such entry every such transfer shall entitle the transferee, his executors, administrators or assigns, to the full benefit of the original mortgage or annuity in all respects ; and no party having made such transfer shall have power to make void, release or discharge the mortgage or annuity so transferred, or any money thereby secured.

142.
Interest on
mortgages to
be paid
half-yearly.

And be it Enacted, That, unless otherwise provided by any mortgage, the interest of the money borrowed upon every such mortgage shall be paid Half-yearly to the party entitled thereto.

143.
Power to
take up
money at a
less rate of
interest.

And be it Enacted, That if the Conservators can at any time borrow or take up any sums of money for any of the purposes of this Act at a lower rate of interest than any securities given by them, and which shall then be in force, shall bear, then from time to time it shall be lawful for them to borrow such sums of money as they shall think proper, at such lower rate as aforesaid, in order to pay off and discharge the securities bearing such higher rate of interest, and to charge the fines, rents, tolls and other dues and profits or property payable under this Act, or any part thereof, with the payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed on mortgage.

144.
Mode of
paying off
mortgages.

AND in order that no undue preference may be given in paying off any such mortgages ; BE it Enacted, That when and as often as the Conservators shall, under the provisions of this Act, be enabled and think it expedient to pay off one or more out of the number of such mortgages upon which the same rate of interest shall be payable, or a part of the money secured on any such mortgage, they shall cause the several numbers of such mortgages to be written upon distinct slips of paper of an equal size, and all such slips shall be rolled or folded up in similar form, and put into a box ; and the secretary to the Conservators shall, in the presence of Five or more of the Conservators, draw separately out of the said box one of the said

said slips, and thereupon the mortgage corresponding with the number so drawn, or the part of the money due thereon so proposed to be paid off, shall accordingly be paid off by the Conservators; and after every such ballot the Conservators shall cause a notice, signed by their secretary, to be given to the person entitled to the money to be paid off pursuant to such ballot; and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified in such notice, at the expiration of Six months from the date of giving such notice; and at the expiration of such period the interest of the principal money to be paid off shall cease, unless such principal money and interest be not paid on demand pursuant to such notice, but such principal money, and the interest thereof, to the end of the said Six months shall nevertheless be payable on demand.

And be it Enacted, That all tolls, tonnage, port and harbour dues which have been from time to time, by any Acts of Parliament, given and granted to and been received and taken by the Mayor and Commonalty and Citizens for the maintenance and improvement of the said river and port, and of the navigation thereof respectively, or such part thereof as shall have been so granted as aforesaid, shall be hereafter paid to and applied by the Conservators as in the said Acts directed: Provided always, That separate and distinct accounts of the receipt and application of such tolls, tonnage, port and harbour dues shall be kept by the Conservators.

145.
Tolls, tonnage, port and harbour dues to be paid to and applied by Conservators.

And be it Enacted, That all and singular the monies which by an Act passed in the Session of Parliament held in the fourth and fifth years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for reducing the Tonnage Rates payable in the Port of London," are directed to be paid into the Chamber of London, for the purposes in the said Act mentioned, shall from and after the commencement of this Act be paid to the Conservators, to be by them applied to the purposes to which the same respectively are directed to be applied by the said last-mentioned Act; and the accumulations which have arisen and shall hereafter arise from the surplus of the rates and duties by the said Act granted, shall remain and be from time to time invested in the names of the Chamberlain, Town Clerk and Comptroller of the City of London for the time being, upon the trusts and for the purposes in the said Act declared concerning such surplus rates and duties.

146.
Tonnage rates to be applied by the Conservators, as directed by the Act 4 & 5 Will. 4, c. 38.

147.
The Port of
London ton-
nage duty
fund accumu-
lated under
the Act
4 & 5 Will. 4,
c. 32, may be
lent to the
Conservators
at interest.

Provided always, and be it Enacted, That it shall be lawful, notwithstanding anything in this Act contained, for the persons in whose names the stocks, funds and securities purchased under the provisions of an Act passed in the fourth and fifth years of the reign of King WILLIAM the Fourth, intituled, "An Act for reducing the Tonnage Rates payable in the Port of London," for the time being shall stand, to sell and dispose of the whole or any portion of such stocks, funds and securities, and to lend the proceeds thereof to the Conservators, on the security of a mortgage made under the authority of this Act, such mortgage bearing the same rate of interest as the stocks, funds and securities from the sale or disposition of which the monies secured thereby may have been produced.

148.
Conservancy
Fund.

And be it Enacted, That the monies which may be raised by the Conservators under the authority of this Act, together with all other monies which may be received by the Conservators from tolls, licenses, rents, fines and any other source or fund whatsoever, now legally applicable to the conservancy and improvement of the River, shall form a fund to be called "The Conservancy Fund," and shall be applicable to and be applied by them in the first place in paying the expenses of obtaining and passing this Act or incident thereto, and afterwards in carrying this Act into execution.

149.
Surplus of
Conservancy
fund to be
applied in
reduction of
the monies
raised.

And be it Enacted, That after the expiration of Three years from the commencement of this Act, if it shall at any time appear at any annual audit of the accounts of the Conservators, that the monies received by them from any source within the previous year, shall have been more than sufficient to pay the expenses of the Conservators within such year, then such surplus shall be applied in paying off any monies which may have been raised by the Conservators under the authority of this Act, and which shall not have been already paid off under the authority of this provision.

150.
Application
of surplus of
Conservancy
Fund.

And be it Enacted, That when all the monies which may have been raised by the Conservators under the authority of this Act, and which for the time being may be due and owing on the credit of the fines, rents, tolls and other dues and profits by this Act given to or vested in or authorized to be received by the Conservators shall have been repaid, with all interest which may have accrued due in respect thereof, the surplus of the Conservancy Fund shall be applied in reduction of
such

such of the tolls by this Act authorized to be taken, as the Conservators, with the concurrence of the Superior Board, shall from time to time think it expedient to reduce ; and in case there shall be any surplus of the said fund after the said tolls shall have been reduced to such extent as the Conservators with such concurrence shall think fit, such surplus shall be applied to and for such purposes and in such manner as Parliament shall direct.

And be it Enacted, That all persons substantiating any debt or demand against the Conservators, or being aggrieved by any act or proceeding of the Conservators, or any of them, or of any secretary, clerk, treasurer, officer, agent, engineer, contractor or servant acting under the authority of the Conservators, shall be entitled to be and shall be paid, compensated and indemnified out of the fund by this Act provided for the said Conservancy.

151.
Persons substantiating debts or compensation, to be paid out of the Conservancy fund.

And be it Enacted, That in case any action, suit or other proceeding shall be brought or prosecuted against the Conservators, or against any secretary, clerk, treasurer, officer, agent, engineer, contractor or servant acting under the authority of the Conservators, by any party claiming any debt or demand, or so aggrieved as aforesaid, the debt or demand, or damages or compensation, and all costs and expenses recovered in such action, suit or proceeding, by any person so claiming or aggrieved as aforesaid, shall be a charge upon the said fund, and the said fund shall be applicable and be applied in payment or satisfaction thereof, under the order or direction of the court or other authority, in or before which such action, suit or other proceeding shall be brought or prosecuted, and by which court or authority judgment, order or decree therein shall have been given or made ; and all such charges shall rank, as to right or priority in payment or satisfaction, according to the order of time in which notice thereof in writing, with a copy of the judgment, order or decree, shall be delivered to the secretary of the Conservators ; and all charges aforesaid after such notice, shall be paid and satisfied before and (until the same shall be paid and satisfied) in exclusion of all other debts, claims or demands to which the said fund would otherwise be applicable.

152.
Judgments, orders and decrees in actions, suits or other proceedings to be satisfied out of the Conservancy fund ;

and to rank in priority as notified to the secretary.

And be it Enacted, That if any person against whom the Conservators may have any claim or demand, shall become bankrupt, or take the benefit of any Act for the Relief of Insolvent Debtors, it shall be

153.
Proof of debts in bankruptcy.

lawful for the secretary of the Conservators in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration or act of insolvency, against such bankrupt or insolvent, to represent the Conservators, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such secretary and not of the Conservators.

154.
Releases to
witnesses.

And be it Enacted, That in all legal proceedings under this Act, it shall be lawful for the secretary or any one or more of the Conservators, by order of the Conservators, to grant general or other releases for the purpose of qualifying any person in the service of the Conservators to give evidence as a witness, and every such release or discharge shall be under the hands and seals of the parties giving the same.

155.
Tender of
amends.

And be it Enacted, That if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made, it shall be lawful for the defendant, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

156.
Provision for
damages not
otherwise
provided for.

And be it Enacted, That in all cases where any damages, costs or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof, is not provided for, such amount, in case of dispute, shall be ascertained and determined by Two Justices, and if the amount so ascertained be not paid by the Conservators or other party liable to pay the same, within Seven days after demand, the amount may be recovered by distress of the goods of the Conservators or other party liable as aforesaid, and the Justices by whom the same shall have been ordered to be paid, or either of them, on application, shall issue their or his warrant accordingly.

157.
Method of
proceeding
before Jus-

And be it Enacted, That where in this Act any question of compensation, expenses, charges or damages is referred to the determination

mination of any One Justice or more, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before One Justice or before Two Justices (as the case may require), at a time or place to be named in such summons, and upon the appearance of such parties, or, in the absence of them, upon proof of due service of the summons, it shall be lawful for such One Justice or such Two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses on oath, and the costs of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

tices in
questions of
damages.

And be it Enacted, That the Conservators shall publish the short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-law of the Conservators affecting other persons than the officers or servants of the Conservators, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper pasted thereon, and shall cause such board to be hung up or affixed in some conspicuous place in the Conservancy office ; and where any such penalties are of local application, shall cause such boards or papers to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference, and which particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed ; and no such penalty shall be recoverable, unless it shall have been published and kept published in the manner hereinbefore required.

158.
Publication
of penalties.

And be it Enacted, That if any person shall pull down or injure any board put up or required by this Act for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding Five pounds, and shall defray the expenses attending the restoration of such board.

159.
Penalty for
defacing
boards used
for such
publications.

And be it Enacted, That every penalty or forfeiture imposed by this Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Justice ; and on complaint being made to any Justice, he shall issue a summons requiring the party complained

160.
Penalty to
be summar-
ily reco-
vered before
one Justice.

against to appear on a day and at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, proof of the due service of such summons, it shall be lawful for any Justice to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before him, and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more it shall be lawful for such Justice to convict the offender, and upon such conviction, to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Justice shall think fit.

161.
Penalties
may be
levied by
distress.

And be it Enacted, That if upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid, be not forthwith paid, the amount of such penalty and costs may be levied by distress, and any Justice may issue his warrant of distress accordingly.

162.
Imprison-
ment in
default of
distress.

And be it Enacted, That it shall be lawful for any such Justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security by way of recognizance or otherwise, to the satisfaction of the Justice, for his appearance before a Justice on the day appointed for such return, such day not being more than Eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the Justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Justice whereon to levy such penalty or forfeiture and costs, he may, if he shall think fit, refrain from issuing such warrant of distress, and in such case, or if such warrant shall have been issued and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justice, then such Justice may by warrant cause such offender to be committed to gaol, there to remain without bail for any term not exceeding Three months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

And

And be it Enacted, That where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money and the expense of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

163.
Distress,
how to be
levied.

And be it Enacted, That no distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity, may recover full satisfaction for the special damage in an action upon the case.

164.
Distress not
unlawful for
want of
form.

And be it Enacted, That the Justice by whom any such penalty or forfeiture shall be imposed, shall, where the application is not otherwise provided for, award the same to the Conservators, to be by them used and applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the proper officer for that purpose.

165.
Application
of penalties.

And be it Enacted, That no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence made cognizable before a Justice, unless the complaint respecting such offence shall have been made before such Justice within Six months next after the commission of such offence.

166.
Penalties to
be sued for
within six
months.

And be it Enacted, That if, through any act, neglect or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the Conservators shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and the amount of such damages, in case of dispute, shall be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand, the same

167.
Damages to
be made
good in
addition to
penalty.

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P

may

may be levied by distress, and any Justice may issue his warrant accordingly.

168.
Penalty on
witnesses
making default.

And be it Enacted, That it shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath, or to give evidence before such Justice, every such person shall forfeit a sum not exceeding Five pounds for every such offence.

169.
Transient
offenders.

And be it Enacted, That it shall be lawful for any officer or agent of the Conservators, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this Act, or any bye-law made in pursuance thereof, and whose name and residence shall be unknown to such officer or agent, and convey him with all convenient dispatch before some Justice, without any warrant or other authority than this Act; and such Justice shall proceed with all convenient dispatch to the hearing and determining of the complaint against such offender.

170.
Form of
conviction.

And be it Enacted, That the Justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up according to the form in the Schedule (D.), in this Act annexed.

171.
Proceedings
not to be
quashed for
want of
form.

And be it Enacted, That no proceeding in pursuance of this Act shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts, except as hereinbefore specially provided.

172.
Parties
allowed to
appeal to
quarter sessions, on
giving security.

And be it Enacted, That if any party shall feel aggrieved by any adjudication or determination of any Justice, with respect to any penalty or forfeiture under the provisions of this Act, such party may appeal to the general quarter sessions; but no such appeal shall be entertained unless it be made within Four months next after the making

making of such determination or adjudication, nor unless Ten days notice in writing of such appeal, stating the nature and grounds thereof be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice, enter into recognizances with Two sufficient sureties before a Justice conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

And be it Enacted, That at the quarter sessions for which such notice shall be given, the court shall proceed to hear and determine the appeal in a summary way, or they may if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal, the court may if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid to the appellant, or levied by distress upon his goods to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable, and they may make such order concerning the costs, both of the adjudication and of the appeal as they may think reasonable.

173.
Court to make such order as they may think reasonable.

And be it Enacted, That a notice of all applications intended to be made to Parliament for Acts in anywise relating to the said River, or to the banks or soil thereof, and all future Bills relating to any Work or Railway to be constructed in, over, under or upon the same, shall be sent by the promoters thereof on or before the First day of December next before such Bills are introduced into Parliament, to the Conservators, who shall make a Report thereon to Parliament.

174.
Notice of future Bills in anywise affecting the Thames, or the banks thereof, to be given to the Conservators.

And be it Enacted, That there shall be yearly laid before both Houses of Parliament, an account, duly audited and certified, of the receipts and application of the monies which shall be received and applied by virtue of this Act.

175.
Accounts to be yearly laid before Parliament.

And be it Enacted, That in case this Act shall at any time be repealed, all the powers and authorities, rights and privileges which are now vested in or which have been or may be exercised by The Queen's most Excellent Majesty, in right of Her Crown, with regard or in relation to the ground or soil and bed of the River Thames, and the shores thereof, so far as the tide flows and reflows in the said river, shall and may be resumed, used, exercised and enjoyed by Her most

176.
If Act repealed, Powers of the Queen to revive.

Excellent Majesty, in as full, ample and beneficial a manner to all intents and purposes as if this Act had not been passed.

177.
If Act re-
pealed,
Powers of the
Corporation
of London
to revive.

And be it Enacted, That in case this Act shall at any time be repealed, all the powers and authorities, rights and privileges which, at any time heretofore have been given or granted to or which are now vested in or which have been or may be exercised by the Mayor and Commonalty and Citizens of the city of London, or by the Mayor and Aldermen of the city of London, or by the Mayor, Aldermen and Commons of the city of London in Common Council assembled, or by the Lord Mayor for the time being of the said city by prescription, usage, Charter or Act of Parliament or otherwise with regard or relation to the Conservancy and the preservation and regulation of the River Thames, the River Medway and the Port of London, shall and may be resumed, used, exercised and enjoyed by the Mayor and Commonalty and Citizens, or by the Mayor and Aldermen, or by the Mayor, Aldermen and Commons in Common Council assembled, or by the Lord Mayor for the time being, as the case may be, in as full, ample and beneficial a manner in all respects and to all intents and purposes as if this Act had not been passed; and the interruption in the exercise of any right, privilege, power or authority, or in the receipt of any fines, fees, tolls or duties by them or any of them in consequence of this Act shall not be deemed in law to be a waiver or discontinuance of any such right, privilege, power or authority, fines, fees, tolls or duties, but the same shall be and continue in as full force and effect, and may be enforced and recovered by the same remedies, and may be claimed and pleaded in the same manner to all intents and purposes as if they had been exercised and received respectively during the time in which the exercise and receipt thereof respectively shall have been suspended, interrupted or varied by virtue of this Act; and that the Mayor and Commonalty and Citizens, and Mayor and Aldermen, and Mayor, Aldermen and Commons in Common Council assembled, and the Lord Mayor for the time being respectively shall and may prescribe and continue to prescribe in any action, suit or other proceeding at law or in equity, for any right, privilege, power or authority, and any fines, fees, tolls or duties to which they or he are or is or may be entitled as aforesaid, as if they or he had continued in the exercise of such right, privilege, power or authority, or in the receipt of such fines, fees, tolls or duties, notwithstanding the non-user or non-receipt thereof, in consequence of this Act.

And

And be it Enacted, That nothing in this Act contained shall extend to any ships or vessels belonging to Her Majesty, or employed in Her Majesty's Service, or to any present or future moorings of or for any of such ships or vessels, nor shall anything in this Act contained repeal, alter, prejudice or affect any of the provisions of the Act of Parliament passed in the fifty-fourth year of the reign of his Majesty King GEORGE the Third, intituled, " An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays and Navigable Rivers in the United Kingdom, and of his Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings and Stores therein ; and for repealing several Acts passed for that purpose."

178.
This Act not to extend to Her Majesty's ships or moorings, or to affect the Act 54 Geo. 3, c. 159.

Provided always, and be it Enacted, That nothing in this Act contained shall extend, or be construed or deemed to extend, to prejudice or derogate from, or in anywise alter, affect or interfere with the jurisdiction or authority of the Corporation of Trinity House of Deptford Strand in the county of Kent, in the appointment of pilots, loadsmen and guides, or for lastage and ballastage and office of lastage and ballastage of ships and vessels, beaconage and buoyage, and office of beaconage and buoyage, or for the erecting and setting up of beacons, buoys, lights and lighthouses, or the fees, advantages, salaries, profits, emoluments, commodities and rights, incidents and appurtenances whatsoever, due, payable, accustomed, appertaining or belonging to the said Corporation, or any other rights, offices, duties and privileges whatsoever, now subsisting and in force, and held, used or enjoyed by the said Corporation under or by virtue of any Royal Charter or Charters, grant or grants, letters patent, Act or Acts of Parliament, or otherwise howsoever.

179.
Saving Rights of Trinity House.

Provided always, and be it Enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested in the Commissioners of Sewers within the limits of this Act ; but all the rights, powers and authorities vested in such Commissioners, shall be as good, valid and effectual as if this Act had not been passed.

180.
Protecting Rights of Commissioners of Sewers.

And be it Enacted, That nothing in this Act contained shall extend to or be construed to extend to prejudice or affect any of the rights, powers or privileges of any of the Dock Companies established under the authority of Parliament within the Port of London, or any of the provisions contained in the several Acts of Parliament now in force relating to such Dock Companies, or any of them.

181.
Saving rights of Dock Companies in the Port of London.

182.

Saving
Rights of
Companies
and Abbey
Mill River.

And be it Enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the rights of the Company of the Master, Wardens and Commonalty of the Watermen and Lightermen of the River Thames, or any works made or authorized to be made in pursuance of any Act of Parliament; and that the present course or channel of the River Thames, at the lock called Penton Hook Lock, in the parish of Staines, in the county of Middlesex, from the west end of the said lock or cut to the head of the Abbey Mill River, shall always be continued and preserved, so that the said Abbey Mill River may be fed and supplied with water from the said River Thames, in the same manner as it was before the said lock or cut was made, and as it would have been if this Act had not been passed.

183.

Saving
powers of
Commissioners of
Woods under
Acts 9 & 10
Vict. c. 38
and c. 39.

And be it Enacted, That nothing in this Act contained shall extend to repeal, alter, prejudice, restrict or in any wise affect any of the powers or provisions contained in an Act passed in the Session of Parliament held in the ninth and tenth years of Her Majesty's reign, intituled, "An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields, in the County of Surrey," and another Act passed in the same Session of Parliament, intituled, "An Act to enable the Commissioners of Her Majesty's Woods to construct an Embankment and Roadway on the North Shore of the River Thames, from Battersea Bridge to Vauxhall Bridge, and to build a Suspension Bridge over the said River at or near Chelsea Hospital, with suitable Approaches thereto, including a Street from Lower Sloan-street to the Northern extremity of the Bridge," or in either of the said Acts, or to empower the Conservators to control, or in any manner interfere with the execution of the said Acts, or either of them, or the works thereby respectively authorized, or to construct or license the construction of any embankments, piers or landing-places within the limits of the same Acts, or either of them; and it shall be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings to construct the several embankments, bridges, piers, stairs, landing-places and other works, to raise the materials for embankments from the bed of the River Thames, and to take and lease the several tolls by the said Acts, or either of them, authorized to be constructed, raised, taken or leased respectively, without any license from or interruption by the Conservators, and generally to exercise all and singular the powers

powers and authorities by the said Acts or either of them vested in the said Commissioners, in as ample manner as they might have done if this Act had not been passed.

And be it Enacted, That nothing in this Act contained shall extend to repeal, alter, restrict, or in any manner interfere with the powers and provisions contained in an Act passed in the Session of Parliament held in the ninth and tenth years of Her Majesty's reign, intituled, " An Act to enable the South Western Railway Company to extend their Railway to the Thames, near London Bridge, in the county of Surrey," save and except only that such plans, sections and elevations as by the said Act are required to be submitted to and approved by the Lord Mayor, Aldermen and Commons of the City of London, in Common Council assembled, so far as the same relate to the Conservancy, or bed and soil of the river, shall, after the commencement of this Act, be submitted to and approved by the Conservators, instead of the said Mayor, Aldermen and Commons, and such works as by the said Act are required or permitted to be executed, with the consent or to the satisfaction of the said Mayor, Aldermen and Commons, or the Clerk of the Works of the Thames navigation for the time being, so far as the same relate to the Conservancy, or bed and soil of the river, shall or may be executed (from and after the commencement of this Act), with the consent or to the satisfaction of the Conservators, instead of the said Mayor, Aldermen and Commons, and Clerk of the Works respectively.

184.
Saving
9 & 10 Vict.
c. 391.

Provided always, and be it Enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter or take away any of the rights, privileges, powers or authorities vested in or enjoyed by The Queen's most Excellent Majesty, Her heirs and successors, in right of Her Duchy of Lancaster, otherwise than is specially provided by this Act.

185.
Saving rights
of the Duchy
of Lancaster.

Provided always, and be it Enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize any person either with or without the license of the said Conservators, to moor any barges or other craft opposite to the lands and property of the said Societies of the Inner or Middle Temple, within Thirty feet of the present or future embankment of their property.

186.
Barges not
to be moored
opposite the
Temple.

187.
General
Saving.

Provided also, and be it Enacted, That nothing in this Act contained shall extend to take away, alter or abridge any right, claim, privilege, franchise, exemption or immunity to which any owner or occupier of any lands, tenements or hereditaments on the banks of the River Thames are now by law entitled, otherwise than is specially provided for by this Act; but the same shall remain and continue in full force and effect as if this Act had never been made.

188.
Short title.

And be it Enacted, That in citing this Act in other Acts of Parliament and in legal instruments, it shall be sufficient to use the expression, "The Thames Conservancy Act 1847."

189.
Commence-
ment of Act.

And be it Enacted, That this Act shall commence and come into operation on the Twenty-ninth day of September One thousand eight hundred and Forty-seven.

190.
Interpreta-
tion of Act.

And be it Enacted, That in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say):

Number.	Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number :
Gender.	Words importing the masculine gender only shall include females :
" Month."	The word " month " shall mean calendar month :
" Person."	The word " person " shall include Corporations, whether aggregate or sole :
" Superior courts."	The words " superior courts " shall mean Her Majesty's superior courts of record at Westminster :
" Vessel."	The word " vessel " shall mean any ship, lighter, keel, barge, boat, wherry, raft or craft, or any other kind of vessel whatever, whether navigated by steam or otherwise :
" Master."	The word " master," when used in relation to any vessel, shall mean any person whether the owner, master or other person lawfully or wrongfully having or taking the command, charge or management of the vessel for the time being :
" Lighter."	The word " lighter " shall include barge :

The

The word "ballast" shall include every kind of gravel, sand and soil, and every commodity or thing commonly used for the ballasting of vessels : "Ballast."

That the high water of spring tides at one mile below London Bridge shall be taken as level with the mark fixed by the late Captain Huddart, in the year One thousand eight hundred, upon the Hermitage entrance lock to the London Docks, and transferred from thence to one of the piers of the bridges, commonly called "Trinity Standard ;" that the low water of spring tides shall be taken as Eighteen feet below the level of the aforesaid mark at the same point, and that the high and low-water of spring tides at other places shall correspond with the above, allowing for the difference of flow and ebb at each particular place : " High and Low Water Mark."

The expressions " Lord Mayor" and " Mayor of the City" shall mean the Lord Mayor for the time being of the City of London : " Lord Mayor."

The words " Mayor, and Commonalty and Citizens" shall mean the Mayor, and Commonalty and Citizens of the City of London : " Mayor and Commonalty, and Citizens."

The expression " the Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond" shall mean the Master, Wardens and Assistants of the Guild, fraternity or brotherhood of the most glorious and undivided Trinity, and of Saint Clement, in the parish of Deptford Strond, in the county of Kent, commonly called the Corporation of Trinity House of Deptford Strond : " Master, Wardens and Assistants of the Trinity House."

The words " license of the Conservators" shall mean a license under the seal of the Conservators of the River Thames : " License of the Conservators."

The words " permission of the Conservators" shall mean permission in writing, signed by the Secretary of the Conservators : " Permission of the Conservators."

The word " River" and the expression " River Thames" shall respectively mean so much of the River Thames as is between the town of Staines, in the county of Middlesex, and Yentleete, in the county of Kent, and shall include that portion of the River Medway which is within the jurisdiction of the Mayor and Commonalty and Citizens : " River," or " River Thames."

614. R The

- "Justice."** The word "Justice" shall mean Justice of the Peace acting for the county, city, borough, liberty or place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter, and shall include the Lord Mayor and every other magistrate of the City of London :
- "Two Justices."** Where any matter shall be authorized or required to be done before Two Justices, the expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in petty sessions :
- "General or quarter sessions."** The words "general or quarter sessions" shall mean the general or quarter sessions of the city, borough, liberty or place in which the order or decision from which the appeal shall be made shall have been made :
- "Secretary."** The expression "Secretary" shall mean the Secretary of the Conservators, and shall include the word "clerk :"
- "Gaol."** The word "gaol" shall mean and include any usual gaol, prison or house of correction :
- "Pier."** The word "pier" shall include a floating pier :
- "Oath."** The word "oath" shall include affirmation in the case of Quakers or other declaration lawfully substituted in the case of any other person exempted by law from the necessity of taking an oath ; and the power of administering oaths by this Act shall include the power of taking affirmations :
- "Lands."** The word "lands" shall extend to and include messuages, buildings, lands, tenements and hereditaments of any tenure :
- "Wharf."** The word "wharf" shall include any bank, wall or building adjoining the River :

And where the doing of any act or thing is made punishable by this Act, or by any of the bye-laws to be made in pursuance thereof, with any penalty, fine or forfeiture, the causing, procuring or permitting such act or thing to be done, shall be punishable in like manner.

- 191.
Public Act.** And be it Enacted, That this Act shall be a public Act; and shall be judicially taken notice of as such.

SCHEDULES

SCHEDULES

REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

FORM OF MORTGAGE DEED.

By virtue of the Thames Conservancy Act, 1847, we, the Conservators of the River Thames, in consideration of the sum of

paid to us by A. B., of _____ for the purposes of the said Act, do grant and assign unto the said A. B., his executors, administrators and assigns, such proportion of the fines, rents, tolls, and other dues and profits arising by virtue of the said Act, or such part thereof respectively (as the case may be), as the said sum of _____

doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said fines, rents, tolls, and other dues and profits, to hold to the said A. B., his executors, administrators and assigns, from this day until the said sum of _____, with interest at _____

per centum per annum for the same shall be fully paid and
satisfied. In witness thereof, we have caused our common seal to be hereunto
set and affixed this day of in the year One
thousand eight hundred and

SCHEDULE (B.)

FORM OF GRANT OF ANNUITY.

By virtue of the Thames Conservancy Act, 1847, we, the Conservators of the River Thames, in consideration of the sum of

paid to us by A. B., of do grant unto the said A. B. an

annuity or yearly sum of to be issuing out of the fines,

rents, tolls and other dues and profits arising by virtue of the said Act, or

such part thereof respectively (as the case may be), to be paid to the said

case may be, to the said _____, during the term of his natural life [or, as the _____, his executors, adminis-

trators or assigns, during the natural life of _____, _____,
or during the natural lives of _____ and _____,

and the life of the survivor], upon the _____ day of _____, _____
and the _____ day of _____ in every year.

during his natural life [or, as the case may be, during the natural life of the said _____ or of the said _____]

and _____, and the survivor of them], the first
payment thereof to be made upon the _____ day of _____

next ensuing the date hereof. In witness whereof, we have caused our common seal to be hereunto set and affixed the _____ day of _____

in the year One thousand eight hundred and

SCHEDULE (C.)

FORM OF TRANSFER OF MORTGAGE, OR GRANT OF ANNUITY.

I, A. B., of _____, in consideration of the sum of _____
 paid to me by C. D., of _____,
 do hereby transfer to the said C. D., his executors, administrators and assigns,
 a certain mortgage, number _____ [or, a certain grant of annuity,
 number _____, as the case may be], made by the Conservators of
 the River Thames, under the authority of The Thames Conservancy Act,
 1847, to _____, bearing date the _____ day of _____
 _____, for securing the sum of _____ and
 interest [or, for granting an annuity of _____,
 as the case may be ; or, if such transfer be by indorsement, the within security],
 and all my right, estate and interest in and to the money thereby secured [or,
 the annuity thereby granted], and in and to the tolls, money and property
 thereby assigned. Dated this _____ day of _____ in
 the year One thousand eight hundred and _____

SCHEDULE (D.)

FORM OF CONVICTION.

To wit. } BE it Remembered, That on the _____ day of _____
 _____ in the year of our Lord _____
 A. B., or [if the offender's name be unknown here describe his person], is
 convicted before me, C. D., [or before us, C. D. and E. F.,] one [or two] of Her
 Majesty's Justices of the Peace for _____, for that
 [here describe the substance of the offence, and the time and place when and
 where committed], contrary to the Thames Conservancy Act, 1847, and I, C. D.,
 [or we, C. D. and E. F.,] do adjudge the said A. B., [or the person so described]
 as aforesaid, to forfeit and pay for such offence [or, for the damage or injury
 aforesaid, if the offence is to be subject to a fine], the sum of _____
 [insert the penalty, state if it be to be paid forthwith, and when], together with
 the sum of _____ for costs of this conviction, [or, if to be
 imprisoned], do adjudge the said A. B. to be committed to the [naming the
 gaol] for the space of [insert the time, and if the commitment be for non-pay-
 ment of a penalty, then add] unless the sum of _____ be
 sooner paid. Given under my hand and seal [or our hands and seals] the day
 and year first above written.

*. Thames Conservancy
(Re-committed) Bill.*

A

B I L L

[AS AMENDED IN COMMITTEE, AND
ON RE-COMMITMENT,
AND ON SECOND RE-COMMITMENT]

To provide for the Conservation of the River
Thames, and for the Regulation, Manage-
ment and Improvement thereof.

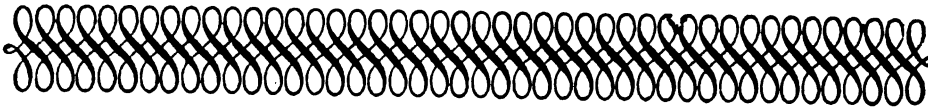
*(Prepared and brought in by
Mr. Masterman, Mr. Pattison, Viscount
Morpet and Mr. Ward.)*

*Ordered, by The House of Commons, to be Printed,
5 July 1847.*

[Price 9d.]

614.

Under 12 oz.



A

B I L L,

INTITULED,

AN ACT for extending the Provisions of the Law respecting Threatening Letters, and accusing Parties with a view to extort Money.

WH **H**EREBY it is expedient to extend the provisions of so much of the Statute made and passed in the seventh and eighth years of the reign of King GEORGE the Fourth, intituled, "An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith," as relates to the offences of sending Threatening Letters, and also so much of the Statute made and passed in the first year of Her Majesty's reign, intituled, "An Act to amend the Laws relating to Robbery and Stealing from the Person," as relates to the offence of accusing persons of unnatural crimes, and to make further provisions for the punishment of such offences; **B**E it therefore **E**nacted, by The **Q**UEEN's most Excellent **M**AJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT if any person shall knowingly send, or deliver, or utter to any other person, any Letter or Writing accusing or threatening to accuse either the person to whom such Letter or Writing shall be sent or delivered, or any other person, of any crime punishable by law with death, transportation or pillory, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any crime in and by the said first-mentioned Act defined to be an infamous crime, with a view or intent to extort or gain, by means of such Threatening Letter or Writing, any property, money, security or other valuable thing, from any person whatever, or any Letter or Writing threatening to kill or murder any other person, or to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw, or other

480. agricultural

Preamble:

7 & 8 G. 4,
c. 29.

1 Vict. c. 8.

1.
Persons send-
ing Threaten-
ing Letters,
accusing
others with
certain crimes,
with a view
to extort
Money, guilty
of Felony.

agricultural produce, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than Seven Years, or to be imprisoned, with or without hard labour, for any term not exceeding Four Years, and if a male, to be once, 5
twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

2.
Persons
accusing
others of
crimes herein-
before men-
tioned, with
the view of
extorting
Money, &c.,
guilty of
Felony.
1 Vict. c. 87,
s. 4.

And be it Enacted, That if any person shall accuse or threaten to accuse any other person of any of the crimes hereinbefore specified, with the view or intent, in any of the cases last aforesaid, to extort 10
or gain from such person so accused or threatened to be accused, or from any other person whatever, any property, money, security or other valuable thing, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural 15
life, or for any term not less than Seven Years, or to be imprisoned, with or without hard labour, for any term not exceeding Four Years.

Threatening Letters, &c.

A

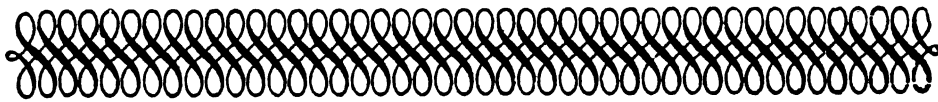
B I L L,

INTITLED,

AN ACT for extending the Provisions of the Law respecting Threatening Letters, and accusing Parties with a view to extort Money.

(Brought from the Lords, 1 June 1847.)

Ordered, by The House of Commons, to be Printed,
9 June 1847.



A

B I L L

To explain the Acts for the Commutation of Tithes in England and Wales, and to continue the Officers appointed under the said Acts for a Time to be limited.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

- W**H **E**R **E**A **S** by an Act passed in the seventh year of the reign of his late Majesty, intituled, “ An Act for the Commutation of Tithes in England and Wales,” Tithe Commissioners for England and Wales were appointed, and by the said Act, and by sundry Acts since passed for the amendment thereof, and for continuance of the said Commission, the powers of the said Commissioners now stand limited, and will expire at the end of the Session of Parliament next after the Thirty-first day of July in this year One thousand eight hundred and Forty-seven; and it is expedient that the same be further continued; **B**E **i**t **E**nacted, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT so much of any of the recited Acts as limits the time during which any Tithe Commissioner, Assistant Commissioner, Secretary or Assistant Secretary, or other officer or person appointed or to be appointed under the first-recited Act, shall hold his office to the said Thirty-first day of July, shall be repealed; and that the Commissioners and Assistant Commissioners, Secretary, Assistant Secretary, and other officers and persons appointed or to be appointed
- Preamble:**
6 & 7 W. 4, c. 71.
5 Vict. c. 7.
5 & 6 Vict. c. 54.
1.
Tithe Commission continued.
489. under

under the first-recited Act may continue to hold their several offices, if not sooner removed by lawful authority, until the *First day of October in the year One thousand eight hundred and Fifty, and until the End of the then next Session of Parliament*; and that all the powers of the said Commissioners and their Assistant Commissioners, Secretary, Assistant Secretary, officers and servants for the time being shall continue in force, according to the provisions of the said several Acts as amended by this Act, until the said *First day of October and the End of the then next Session of Parliament*, unless Her Majesty shall be pleased sooner to determine the said Commission. 5 10

2.
Confirmed
Apportion-
ments to
stand good.

AND whereas by the first-recited Act it was enacted, for the quieting of titles, that no confirmed agreement, award or apportionment shall be impeached after the confirmation thereof, by reason of any mistake or informality therein, or in any proceeding relating thereunto, and doubts have been entertained as to the full meaning and extent of such enactment; BE it Declared and Enacted, That every instrument purporting to be an instrument of apportionment, which shall be confirmed under the hands and seal of the said Tithe Commissioners, shall be hereby absolutely confirmed and made valid, both at law and in equity, in all respects, subject nevertheless to the powers given to the Tithe Commissioners in the first-recited Act or in any Act passed for the amendment thereof, for alteration of any instrument of apportionment. 15 20

3.
Act may be
amended or
repealed.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Tithes Commutation.

A

B I L L

To explain the Acts for the Commutation of
Tithes in England and Wales, and to
continue the Officers appointed under the
said Acts for a Time to be limited.

(Prepared and brought in by
Sir William Somerville and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
10 June 1847.

489.
Under 1 oz.

TOWNS IMPROVEMENT CLAUSES BILL.

ARRANGEMENT OF CLAUSES.

Extent of Act ; sect. 1.
Interpretations ; 2 and 3.
Form of citing the Act, or part of it ; 4, 5.
Officers ; 6 to 11.
Boundaries and Plans of Works ; 12 to 16.
Taking Lands ; 17, 18.
Making and maintaining Public Sewers ; 19 to 31.
Drainage of Houses ; 32 to 40.
Paving Streets ; 41 to 50.
Laying out new Streets ; 51 to 57.
Naming Streets ; 58, 59.
Improving the line of the Streets, and the removal of Obstructions ; 60 to 69.
Ruinous or dangerous Buildings ; 70 to 73.
Precautions during the Construction and Repair of the Sewers and Streets ;
74 to 78.
Preliminary Proceedings before fixing the Level of Streets and making Sewers ;
79 to 81.
Cleansing the Streets ; 82 to 93.
Nuisances ; 94 to 105.
Prevention of Smoke ; 106.
Prevention of Fire ; 107.
Manner of building Houses for supplying them with fresh Air ; 108 to 113.
Lodging Houses ; 114 to 116.
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Supply of Water ; 121 to 124.
Markets and Fairs ; 125 to 127.
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Provision for guarding against and extinguishing Fires ; 135 to 139.

Things to be done by the Commissioners by Special Order only ; 140 to 149.

Execution of Works by Commissioners ; 150, 151.

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Levy of Rates ; 161 to 186.

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Recovery of Rates ; 193 to 201.

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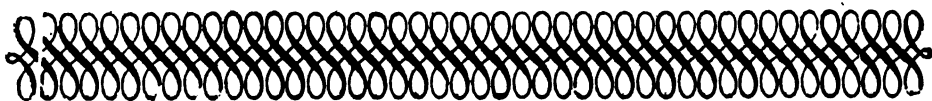
Tender of Amends ; 212.

Recovery of Damages not specially provided for, and of Penalties, and the determination of any other matter referred to Justices ; 213 to 217.

Access to the Special Act ; 218, 219.

Act may be amended this Session ; 220.

18 March 1847.—10 VICT.



A

B I L L

For consolidating in one Act certain Provisions usually contained in Acts for Paving, Draining, Cleansing, Lighting, and Improving Towns.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ it is expedient to comprise in one Act sundry Preamble.
provisions usually contained in Acts of Parliament for paving, draining, cleansing, lighting, watching and improving Towns and Populous Districts, and that as well for avoiding the
5 necessity of repeating such provisions in each of the several Acts relating to such Towns or Districts, as for ensuring greater uniformity in the provisions themselves ;

BE it ~~Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT this Act shall extend 1.
Extent of Act.
only to such Towns or Districts in England or Ireland as shall be comprised in any Act of Parliament hereafter to be passed, which shall declare that this Act shall be incorporated therewith ; and all
15 the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Town or District which shall be comprised in such Act, and to the Commissioners appointed for improving and regulating the same, so far as such clauses shall be applicable thereto respectively ; and shall with the clauses of
20 every other Act which shall be incorporated therewith form part of such Act, and be construed therewith as forming one Act.

AND with respect to the construction of this Act, and any Act incorporated therewith ; BE it Enacted, as follows : 2.
Interpretations in this Act.

“The Special Act.”

The expression "the Special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed for the

strued to mean any Act which shall be hereafter passed for the improvement or regulation of any town or district, or of any class of towns or districts defined or comprised therein, and with which

“Prescribed.”

this Act shall be incorporated; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed

to refer to such matter as the same shall be prescribed or provided for in the Special Act; and the sentence in which such word

shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act"

"The Commissioners."

had been used ; and the expression " the Commissioners " shall mean the Commissioners, Trustees, or other persons or Body Cor-

incorporate entrusted by the Special Act with powers for executing the purposes thereof.

3.
Interpreta-
tions in this
and the
Special Act :

The following words and expressions, in both this and the Special Act, and any Act incorporated therewith, shall have the meanings

hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say)

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include

the singular number :

Gender.

Words importing the masculine gender shall include females :

"Person."

The word "Person" shall include a corporation, whether aggregate or sole :

“Lands.”

The word "Lands" shall include messuages, lands, tenements and hereditaments of any tenure :

“Street.”

The word "Street" shall extend to and include any road, square, court, alley and thoroughfare, within the limits of the Special Act:

"Month."

The word "Month" shall mean calendar month:

**"Superior
Courts."**

The expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Westminster or Dublin, as the

case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster, and the Court of Pleas of the County of Durham :

“Oath.”

The word "Oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an

oath in the case of any other persons allowed by law to make a declaration instead of taking an oath :

"County."

The word "County" shall include riding or other division of a county having a separate commission of the peace, and

shall also include county of a city or county of a town:

The

5 The word "Justice" shall mean Justice of the Peace acting for "Justice."
the place where the matter requiring the cognizance of any
such Justice arises; and where any matter is authorized or
required to be done by Two Justices, the expression "Two
Justices" shall be understood to mean Two or more Justices "Two Jus-
met and acting together: tices."

10 The expression "Quarter Sessions" shall mean quarter sessions "Quarter
as defined in the Special Act, and if such expression be not Sessions."
there defined, shall mean the court of general or quarter
sessions of the peace which shall be held in or at the place
nearest to the district in which the matter arises requiring
the cognizance of any such court, and having jurisdiction over
such district:

15 The word "Owner," used with reference to any lands or build- "Owner."
ings in respect of which any work is required to be done, or
any rate to be paid under this or the Special Act, shall mean
the person for the time being entitled to receive, or who, if
such lands or buildings were let to a tenant, would be enti-
tled to receive, the rack-rent from the occupier thereof:

20 The word "Cattle" shall include horses, asses, mules, bulls, "Cattle."
oxen, sheep, goats and swine.

AND with respect to citing this Act, or any part thereof; BE it
Enacted, as follows:

25 In citing this Act in other Acts of Parliament, and in legal "4.
instruments, it shall be enough to use the expression "The Town Short Title
Improvement Clauses Act, 1847." of the Act.

30 For the purpose of incorporating part only of this Act with any "5.
Act hereafter to be passed, it shall be enough to describe the clauses Form in
of this Act with respect to any matter in the words introductory to which por-
the enactment with respect to such matter, and to enact, that the tions of this
clauses so described, or that this Act with the exception of the Act may be
clauses so described, shall be incorporated with such Act; and incorporated
thereupon all the clauses of this Act so incorporated shall, save so with other
of such Act, and such Act shall be construed as if such clauses were Acts.
35 set forth therein with reference to the matter to which such Act
relates.

AND with respect to the Officers to be appointed by the Commis- "Officers."
sioners or under any General Town Improvement Act; BE it Enacted
as follows:

201.

A 2

When

6.
Until In-
specter ap-
pointed under
some General
Act, Commis-
sioners may
proceed with-
out his ap-
proval.

When by the Special Act any matter is required to be submitted to, or to be done with the approval of the Inspector, such Inspector shall be understood to mean an Inspector appointed under any General Act which may be passed in this or any future Session of Parliament, authorizing the appointment of Inspectors for inspecting or superintending works connected with paving, draining or improving towns or populous districts ; and until such an officer shall be appointed under any such General Act, the Commissioners, unless it be otherwise provided by the Special Act, may proceed in the execution of this and the Special Act without the approval of such officer, and as if no such officer had been mentioned in this or the Special Act.

7.
Commis-
sioners to ap-
point a Sur-
veyor.

The Commissioners shall appoint, subject to the prescribed approval, or, where no approval is prescribed, subject to approval by One of Her Majesty's Principal Secretaries of State, a person duly qualified as a civil engineer, to act as a local surveyor of the paving, drainage and other works authorized under the provisions of this and the Special Act, and of any Act to be incorporated therewith, and with the like approval shall fix the salary to be paid to such surveyor, and shall pay such salary out of the rates levied under this or the Special Act ; and if any such surveyor shall die, resign or be removed, the Commissioners shall, with the like approval, appoint another person so duly qualified in the room of the surveyor so dying, resigning or being removed ; and the Commissioners with the like approval may remove any such surveyor.

8.
Declaration
of Surveyor.

Every such surveyor upon his appointment, and before he enters upon the duties of his office, shall make and subscribe before the Chairman of the Commissioners, a declaration to the effect following ; (that is to say)

" I, A. B., the surveyor of the town [or, district] of [here name the town or district] under the [here name the Special Act], do declare that I will diligently, faithfully and impartially perform the duties of my office, and to the utmost of my power, skill and ability endeavour to cause the several provisions of the said Act, and of the Town Improvement Clauses Act, 1847, to be strictly observed, and that without favour or affection, prejudice or malice to any person whomsoever."

9.
Inspector
of Nuisances.

The Commissioners shall appoint some person, by the title of " Inspector of Nuisances," to superintend and enforce the due execution of all duties to be performed by the scavengers appointed under this or the Special Act, and to report to the Commissioners any breach of the provisions of this or the Special Act, or of any Act to be incorporated therewith, or of the bye-laws, rules and regulations

lations of the Commissioners, and to the existence of any nuisances within the limits of the Special Act; and the Commissioners shall duly publish the name of any such Inspector appointed by them, and shall require him to provide and keep a book in which shall be entered

5 all reasonable complaints made by any householder of the district within the limits of the Special Act, of any breach of the provisions of this or the Special Act, or of any Act to be incorporated therewith, or of the bye-laws, rules and regulations made by the Commissioners for the preservation of due order and cleanliness, or for the suppression of

10 nuisances; and such Inspector shall forthwith inquire into the truth of such complaints, and report upon the same to the Commissioners, at their next meeting; and such report and the order of the Commissioners thereon shall be entered in the said book, which shall be kept at the office of the Commissioners, and shall be open at all

15 reasonable times to the inspection of any inhabitant of the said district or other person interested; and it shall be the duty of such Inspector, subject to the direction of the Commissioners, to make complaints before any Justice, and take legal proceedings for the punishment of any person who shall have committed any offence

20 under this or the Special Act, or under any bye-laws made by virtue thereof.

The Commissioners shall provide offices for the use of the said surveyor and inspector in some convenient place within the limits of the Special Act, either in connexion with their own office or

25 otherwise, as may be most convenient, and shall cause due notice thereof to be given *Twice* at the least in some newspaper circulating within the said limits.

10.
Commissioners to provide office for Surveyor.

The Commissioners shall appoint, subject to the prescribed approval, or where no approval is prescribed, subject to the approval

30 of One of Her Majesty's Principal Secretaries of State, a physician or surgeon of skill and experience, who shall be styled "The Officer of Health," whose duty it shall be to ascertain the existence of diseases within the limits of the Special Act, especially epidemics and contagious diseases increasing the rates of mortality, and to point out any nuisances or other local causes likely to cause

35 and continue such diseases, or otherwise injure the health of the inhabitants, and to point out the best means for checking or preventing the spread of such diseases within the limits aforesaid, and also the best means for the ventilation of churches, chapels, schools, registered lodging-houses, and other public buildings within the limits

40 aforesaid, and from time to time as shall be required by the Commissioners, to report to them upon the matters aforesaid, and to perform any other duties of a like nature which may be required of him; and the Commissioners, with the same approval, which is necessary for the appointment of the Officer of Health, shall fix the

11.
Officer of Health.

salary to be paid to such officer, and shall pay such salary out of the rates to be levied under this or the Special Act.

**Surveys and
Plans.**

AND with respect to plans of the district within the limits of the Special Act, and of the Works to be executed under the powers of this and the Special Act; BE it Enacted as follows :

5

**12.
Commission-
ers to make
a Map of the
District with-
in the Limits
of the Special
Act.**

The Commissioners shall, as soon as conveniently may be after the passing of the Special Act, cause a survey and map to be made of the district within the limits of the Special Act, on a scale of not less than *Five Feet* to a mile, and shall cause to be marked thereon the course of all the existing sewers and drains belonging to them or under their care or management as far as it can be ascertained, the lines of pipes or conduits for the collection and distribution of water, the course of the pipes for the distribution of gas, and such other works, with such other particulars as may be necessary in order to show the under-ground works within the said district, and shall cause the said map to be from time to time corrected, and such additions to be made thereto as may show the sewers and drains to be made by the Commissioners under the powers of this and the Special Act, and the lines of such pipes and conduits as may be laid down or formed from time to time after the passing of the Special Act; and such map and plan, or a copy thereof, with the date expressed thereon of the last time when it shall have been so corrected, shall be kept in the office of the Commissioners, and shall be open at all seasonable hours to the inspection of the owners or occupiers of any lands within such district.

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**13.
Level Lines
to be marked
on Map, and
Bench marks
to be made.**

The Commissioners shall cause to be marked on such map a series of marks and figures at distances on the said map not exceeding inches, denoting the height of the ground at every such mark above or below the level of a particular spot within the limits of the Special Act, which may be easily found and identified, the position of which shall be described on the map; and shall also cause to be drawn, wherever practicable, lines of equal altitude at every *Four Feet* of elevation, or at such other intervals as may appear, upon due inquiry, to be the best adapted for the guidance of works of sewerage and drainage, for the collection and distribution of water, and for other purposes within such district for which a knowledge of the levels of the district may be necessary; and shall also cause proper bench marks to be inscribed and marked at convenient distances and places, at the corners of streets, on posts, houses or other prominent objects within such district.

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**14.
Ordnance
Surveys to be
procured.**

The Commissioners may apply to the principal officers of Her Majesty's Ordnance to furnish for the use of the said Commissioners

one

one or more copies of any map of such district or any part thereof which shall have been made under the direction of the said principal officers of Her Majesty's Ordnance, or to cause a survey to be made of the said district on a scale of not less than *Sixty* inches to the mile, and the said principal officers may thereupon, if they shall think fit, furnish such copies at the expense of the Commissioners, or cause such survey to be made by surveying officers appointed by them, for such remuneration as shall previously be agreed upon between the said principal officers and the Commissioners ; and the Commissioners shall cause such additions to be made thereto as shall appear to be requisite for the regulation of future improvements to be made within such district ; and the Commissioners may cause every such plan to be copied, engraved, or printed and coloured, in such manner as may appear to them most convenient, and may defray the costs of any surveys and maps made under their direction, and any costs incurred by them in regard to any such Ordnance map, out of the rates authorized to be levied under this or the Special Act.

The Commissioners shall cause their Surveyor to prepare plans of any new works and additions to or alterations of existing works that may be required for the effectual drainage of the houses and streets within such district, including provision for properly trapped drains or channels for the removal of all waste water and refuse from the houses, and from the surface of the streets ; and also to draw on such plans the lines that shall appear to him most advantageous for main sewers and the best outfalls for clearing the whole district of surface moisture, and effecting the drainage of the subsoil ; and to point out the most appropriate means and sites for the collection and sale of filth and refuse for agricultural or other purposes ; and also to set forth any other matters which may assist the Commissioners in carrying into execution, in an economical and effective manner, the several works required to be carried into execution under the provisions of this and the Special Act, and which may appear to be necessary for the health and convenience of the inhabitants of such district.

15.
Commissioners to prepare Plans of alterations of Sewers, &c.

Before giving notice of their intention to construct any work of which by this or the Special Act they are required to give notice, the Commissioners shall cause plans of the intended work to be made under the direction of their surveyor, on a scale not less, for a horizontal plan, than One Inch to *Eighty-eight Feet* ; and for a vertical section, not less than One Inch to *Two Feet*, and in the case of a sewer, showing the depth of such sewer below the surface of the ground ; and such plans shall be deposited in the office of the Commissioners, and shall be open at all reasonable hours for the inspection of all

16.
Plans of certain Works to be prepared and deposited in the office of the Commissioners.

persons interested therein during the time for which such notice is required to be given.

Lands.

AND with respect to taking Lands for the purposes of the Special Act; BE it Enacted, as follows :

17.
The taking of
lands to be
subject to the
provisions of
this Act and
the Lands
Clauses Con-
solidation
Act.

Where by this or the Special Act the Commissioners shall be em- 5
powered to take or use for the purposes thereof any lands other-
wise than with the consent of the owners and occupiers thereof,
they shall, in exercising the powers so given, be subject to the
provisions and restrictions contained in this Act, and in the Lands
Clauses Consolidation Act, 1845 ; and the Commissioners shall 10
make to the owners and occupiers of and all other parties in-
terested in any Lands taken or used for the purposes of the
Special Act, or injuriously affected by the construction of the works
thereby authorized, full compensation for the value of the Lands
so taken or used, and for all damage sustained by such owners, 15
occupiers and other parties by reason of the exercise, as regards
such lands, of the powers vested in the Commissioners by this or
the Special Act, or any Act incorporated therewith; and except
where otherwise provided by this or the Special Act, the amount
of such compensation shall be determined in the manner provided 20
by the said Lands Clauses Consolidation Act, for determining ques-
tions of compensation with regard to lands purchased or taken
under the provisions thereof; and all the provisions of the last-
mentioned Act shall be applicable to determine the amount of any
such compensation, and to enforce the payment or other satisfac- 25
tion thereof.

18.
Errors and
omissions in
Plans to be
corrected.

If any omission, mis-statement or wrong description shall have
been made of any Lands, or of the owners, lessees or occupiers
of any Lands mentioned in any Schedule to the Special Act,
the Commissioners, after giving *Ten Days'* notice to the owners of 30
the Lands affected by such proposed correction, may apply to Two
Justices for the correction thereof; and if it shall appear to such
Justices that such omission, mis-statement or wrong description
arose from mistake, they shall certify the same accordingly; and they
shall, in such certificate, state the particulars of any such omission, 35
mis-statement or wrong description; and such certificate, with the
other documents to which it relates, shall be deposited with the
Clerk of the Peace of the county in which the Lands affected
thereby are situated, and such certificate shall be kept by such Clerk
of the Peace, with the other documents to which it relates; and 40
thereupon such schedule shall be deemed to be corrected accord-
ing to such certificate; and the Commissioners may take any Lands
in accordance with such certificate, as if such omission, mis-state-
ment or wrong description had not been made.

AND

AND with respect to making and maintaining the Public Sewers ;
BE it Enacted as follows :

Sewers.

5 All public sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time of the passing of the Special Act, or at any time thereafter, and whether made at the cost of the Commissioners or otherwise, and the entire management of the same, shall vest in and belong to the Commissioners.

19.
Sewers and other Works vested in the Commissioners.

10 The Commissioners may purchase, either with or without the consent of the owners thereof, any private sewers which shall have been made in or under any of the streets, which they shall desire to take or use for the purposes of this or the Special Act ; and upon any such purchase being made, such private sewer shall vest in and belong to the Commissioners as a public sewer.

20.
Power to purchase Private Sewers.

15 The Commissioners shall from time to time, subject to the restrictions herein contained as to the notice to be given, and the plans and estimates to be prepared, cause to be made under the streets, such main and other sewers as shall be necessary for the effectual draining of the district within the limits of the Special Act, and also all such reservoirs, sluices, engines and other works as shall be necessary for cleansing such sewers, and, if needful, they may carry such sewers through and across all under-ground cellars and vaults which they may find under any of the streets, doing as little damage as may be, and making full compensation for any damage done, and if, for completing any of the aforesaid works, it shall be found necessary to carry them into or through any inclosed or other lands, not being a garden or other ornamental ground adjoining any house, the Commissioners may carry the same into or through such lands accordingly, making full compensation to the owners and occupiers thereof, and they may also cause such sewers to communicate with and empty themselves into the sea or any public river or water-course, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a public nuisance.

21.
Commissioners to make Sewers where none exist.

40 Before entering into any contract for executing any such work as aforesaid, the Commissioners shall procure from their surveyor an estimate of the probable expense thereof, and the probable advantages of executing the work under a contract for constructing and maintaining the same in repair during a term of years ; and the Commissioners shall submit the plan and estimate of every such

22.
Commissioners to cause estimates to be prepared and submitted to the Inspector.

201.

B

work

work to the Inspector, who shall make, in writing, such observations or suggestions thereupon as may seem to him to be expedient, and if the Commissioners shall not regard or shall not act in conformity with such observations or suggestions, they shall enter upon the minutes of their proceedings their reasons for not so doing. 5

23.
Cost of new
Sewers to be
borne by
Occupiers of
Houses abut-
ting on the
Street.

Where any new sewer shall be made by the said Commissioners, or any closed sewer instead of an open sewer, the expenses which shall be incurred by them in making or arching the same, subject to the provisions hereinafter contained, shall be borne by the occupiers of the several lands and tenements abutting on the street or public way under which the same is made in proportion to the several lengths of frontage so abutting, which proportions shall be settled by the said Commissioners either by general rules and regulations which the said Commissioners may make, or by orders in particular cases, as to them may seem expedient, and such expenses shall be recoverable from such occupiers respectively as is hereinafter provided with respect to private improvement expenses. 10 15

24.
Part of the
expense of
new Sewers
may be
charged on
the district or
level.

If in the judgment of the Commissioners a larger sewer than is necessary for the drainage of the immediate neighbourhood is made or ordered to be made as aforesaid by the said Commissioners, the Commissioners may relieve such occupiers as aforesaid by ordering such portion of the expenses incurred in making or arching such sewer as may be just to be paid by the level or district, or levels or districts, in which such sewer is situated, as may in the judgment of the said Commissioners receive benefit or advantage from such sewer. 20 25

25.
Commis-
sioners may
alter Sewers.

Subject to the said restrictions, the Commissioners may from time to time as they shall see fit, enlarge, alter and improve all or any of the sewers vested in them, and if any of such sewers shall at any time appear to them to have become useless, the Commissioners, if they shall think fit to do so, may demolish and discontinue such sewer, provided that it be so done as not to create a public nuisance. 30

26.
Commis-
sioners not to
destroy
Drains with-
out providing
others.

If any person shall, by means of any enlargement, alteration or discontinuance of any sewer or other proceeding of the Commissioners be deprived of the use of any sewer or drain which such person shall theretofore have been lawfully entitled to use; the Commissioners shall provide some other sewer or drain equally effectual for such purpose; and in case the Commissioners shall refuse, or for *Twenty-eight Days* next after notice in writing served upon them, neglect to restore such drain or sewer, the use of which may be affected by the acts of the Commissioners to its former effective state, or to provide such other sewer or drain as aforesaid, they shall forfeit 35 40

forfeit to the person aggrieved any sum not exceeding *Forty Shillings* for every day during which he shall be deprived of the use of such drain or sewer, and shall not be provided with such other drain or sewer as aforesaid.

- 5 Every person not being employed for that purpose by the Commissioners, who shall make any drain into any of the sewers or drains so vested in the Commissioners, shall forfeit to the Commissioners a sum not exceeding *Five Pounds*; and the Commissioners may cause such branch drain to be re-made as they shall think fit; 10 and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Commissioners as damages.

27.
Penalty for
making unau-
thorised
Drains.

- No building shall be erected over any sewer belonging to the Commissioners, and no vault, arch or cellar shall be made under 15 any street without the consent of the Commissioners first obtained in writing, and all such vaults, arches and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Commissioners; and if any building be erected, or any vault, arch or cellar be made contrary to the 20 provisions herein contained, the Commissioners may demolish or fill up the same, and the expenses incurred thereby shall be paid by the person erecting such building or making such vault, arch or cellar, and shall be recoverable as damages.

28.
Vaults and
Cellars under
Streets not to
be made with-
out the con-
sent of the
Commission-
ers.

- The Commissioners may stop any street or public place, and pre- 25 vent all persons from passing along and using the same for a reasonable time during the construction, alteration, repair or demolition of any sewer or drain in or under such street or public place.

29.
Streets may
be stopped for
repairs.

- All sewers and drains within the limits of the Special Act, whether public or private, shall be provided by the Commissioners or other 30 persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

30.
Gully-holes,
&c., to be
trapped.

- Any person, being the owner or occupier of any lands be- yond the limits of the Special Act, and in respect of which he would not be liable to the payment of the rates authorized to be 35 levied under this or the Special Act, may, with the consent of the Commissioners, upon payment to them of such a reasonable sum of money as shall be agreed upon between them, at his own expense, and under the superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the sewers belonging to the Commissioners, any sewer or drain in re- spect of the said property which may be lawfully made therefrom, of

31.
Sewers may
be used by
Owners and
Occupiers of
Land beyond
limits of
Town or
District.

such size and in such manner and form of communication as the Commissioners shall approve : Provided always, That nothing in this or the Special Act contained shall affect any right theretofore acquired by such owner or occupier to use any of the sewers or drains belonging to the Commissioners under the provisions of this 5 or the Special Act.

**House
Drains.**

AND with respect to the Drainage of Houses ; BE it Enacted, as follows :

**32.
Commission-
ers empow-
ered to
construct
Drains.**

Where any house or building within the limits of the Special Act, shall at any time be found not to be drained by a sufficient 10 drain or pipe communicating with some sewer, to the satisfaction of the Commissioners, and if there shall be a public sewer within *One hundred Feet* of any part of such house or building into which the wash and refuse of such house or building can be drained, the Commissioners shall construct or lay from such house or building 15 into such sewer as aforesaid, a covered drain or pipe, of such materials, of such size, at such level, and with such fall as they shall think necessary for the drainage of such house or building, its areas, water-closets, privies and offices ; and the expenses which shall have been incurred by the Commissioners in respect thereof shall be 20 repaid to them by the owner of the house or building, and such expenses shall be recoverable from such owner as damages.

**33.
No house to
be built with-
out drains.**

No house or building within the limits of the Special Act shall be built upon a lower level than will allow of the drainage of the wash and refuse of such house or building into some sewer belonging to 25 the Commissioners, either then existing, or which they shall have marked out upon the map hereinbefore directed to be made by them, and in case there shall be such a sewer existing within *One hundred Feet* of such intended house or building, the Commissioners shall cause a drain to be constructed of such materials, of such 30 size, at such level, and with such fall as they shall think fit, which shall lead from the intended site of such house to such sewer, or if there be no such sewer existing within *One hundred Feet* of any part of the said intended site of such house or building, then such drain shall be made so as to lead into such covered cesspool or other place, 35 not being under any dwelling-house, as the Commissioners shall direct, until such sewer as aforesaid shall be made by the Commissioners, when they shall make a drain to communicate with such new made sewer, and shall demolish and fill up any such cesspool.

**34.
Notice of
Buildings to
be given to
the Commis-
sioners.**

Before beginning to build any new house or to rebuild any exist- 40 ing house, within the limits of the Special Act, the person intending to build or rebuild such house shall give *Fourteen* clear Days' notice in writing to the Commissioners ; and every foundation of a house

House
Drains.

a house shall be laid at such level as the Commissioners shall approve, and in default of such notice, or if such building shall be begun or made without or in any respect contrary to any order of the Commissioners or the provisions of this or the Special Act, the Commissioners may, if necessary, cause such building to be altered or demolished, as the case may require, and the expense which shall be incurred by the Commissioners in respect thereof shall be repaid to them by the owner who shall have failed to comply with the provision aforesaid, and shall be recoverable as damages.

10 Whenever any house shall be rebuilt within the limits of the Special Act, the level of the cellar or other lowest floor of such house shall be raised sufficiently to allow of the construction of such a drain as is hereinbefore provided in the case of houses to be built after the passing of the Special Act, and for that purpose the levels
15 shall be taken and determined under the direction of the Commissioners; and whenever any house shall be taken down as low as the floor of the first story for the purpose of being built up again, such building shall be deemed a rebuilding within the meaning of this Act.

35.
Houses re-
built to be on
proper level.

20 The Commissioners shall require the owner of any house within the said limits, to which no sufficient privy and ash-pit, with proper door and coverings, is attached, and where it shall appear to them that there is room enough for the purpose, to provide such ash-pit or privy, in such situation, not disturbing any building then already
25 erected, as the Commissioners shall deem necessary for the use of the inmates and occupiers thereof, and for all houses within the said limits to which a sufficient supply of water is laid on, may require a watercloset to be provided instead of a common privy; provided that where a watercloset or privy and ash-pit, or two or more water-
30 closets or privies and ash-pits are used in common by the inmates and occupiers of two or more such houses, the Commissioners may, if they shall think fit, dispense with the provision of a watercloset or privy and ash-pit for each such house.

36.
Commission-
ers may re-
quire owners
of Houses to
provide Privy
and Ash-pit
for the same.

The owner of any such house shall provide the same with a privy, or, where a sufficient supply of water is laid on, with a watercloset,
35 with such door and covering to the same, and with such ash-pit as aforesaid to the satisfaction of the Commissioners, within *One Month* next after notice in writing for that purpose shall have been given by the Commissioners to him or to the occupier of such
40 house, and in default thereof the Commissioners shall cause such watercloset or privy and ash-pit to be provided, and may recover the expense thereof from such owner as damages.

37.
Penalty for
default.

38.
Drains, Pri-
vies and Cess-
pools to be
kept in good
order by
Owners.

All branch drains as well within as without the lands or buildings to which they belong, and all privies, ash-pits and cesspools within the limits of the Special Act, shall be under the survey and control of the Commissioners, and shall be repaired and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued ; and if the owner and occupier of any land or buildings to which any such drain, privy, ash-pit or cesspool shall belong, shall, during *Fourteen Days* after notice in writing for that purpose, neglect to repair and to put the same into good order, in the manner required by the Commissioners, and so as to prevent the stench, the Commissioners may cause such drain, privy, ash-pit or cesspool to be repaired, covered and put in good order ; and the expense which shall be incurred by the Commissioners in respect thereof shall be repaid to them by the owners by whom the same ought to have been done, and shall be recoverable as damages.

39.
Inspection of
Drains, Pri-
vies and Cess-
pools.

The surveyor may inspect any drain, privy, ash-pit or cesspool within the limits of the Special Act, and for that purpose, at all reasonable times in the day-time, after *Forty eight Hours'* notice in writing shall have been given to the occupier of the premises to which such drain, privy, ash-pit or cesspool is attached, or shall have been left upon the premises, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened in any place he shall think fit, doing as little damage as may be ; and if such drain, privy, ash-pit or cesspool shall be found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be ; and the expenses of opening, closing and making good such drain, privy, ash-pit or cesspool shall, in that case, be defrayed by the Commissioners.

40.
Penalty on
persons mak-
ing or alter-
ing Drains,
&c., contrary
to the orders
of the Com-
missioners.

If any drain, privy or cesspool shall, on inspection, be found to have been constructed, after the passing of the Special Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this or the Special Act, or if any person, without the consent of the Commissioners, shall construct, rebuild, or unstop, any drain, privy, or cesspool which has been ordered by them to be demolished or stopped up or not to be made, every person so doing shall be liable to a penalty not exceeding *Five Pounds* ; and the Commissioners may cause such amendment or alteration to be made in any such drain, privy or cesspool as they shall think fit, and the expense attending any such amendment or alteration shall be paid by the person by whom such sewer shall have been improperly constructed, rebuilt or altered, and shall be recoverable from him as damages.

AND

AND with respect to paving and maintaining the Streets; BE it Enacted, as follows :

Paving.

41.

Streets vested in the Commissioners.

5 The management of all the streets which at the passing of the Special Act are, or which shall thereafter become public highways, and the pavements and other materials, as well in the footways as carriage-ways of such streets, and all buildings, materials, implements and other things provided for the purposes of the said highways by the Surveyors of Highways, or by the Commissioners, shall belong to the Commissioners.

42.

Commissioners to be Surveyors of Highways.

10 The Commissioners, and none other, shall be the Surveyors of all highways within the limits of the Special Act, and within those limits shall have all such powers and authorities, and be subject to all such liabilities, as any surveyors of highways are or shall be invested with or subject to by virtue of the laws for the time being in force, and
15 the inhabitants of the district within the said limits shall not be liable to the payment of any highway rate in respect of the roads within the said district.

43.

Commissioners liable to indictment for want of repairs.

20 The Commissioners shall be deemed guilty of a misdemeanor for refusing or neglecting to repair any public highway within the limits of the Special Act, and shall be liable to be indicted for such misdemeanor in the same manner as the inhabitants thereof, or of any Parish, Township or other district therein, were liable before the passing of the Special Act.

44.

Road Trustees not to collect Tolls.

25 The trustees of any turnpike road shall not collect any toll on any road within the limits of the Special Act, or lay out any money thereon.

45.

Power for the Commissioners to pave public Streets.

30 The Commissioners may from time to time cause all or any of the streets under their management, or any part thereof respectively, to be paved, flagged or otherwise made good, and the ground or soil thereof to be raised, lowered or altered, in such manner and with such materials as they shall think fit; and they may also pave or make, with such materials as they shall think fit, any footways for the use of passengers in any such street, and cause such streets and footways to be repaired from time to time.

46.

Commissioners may place Fences to Footways.

35 The Commissioners shall from time to time place such fences and posts on the side of the footways of the streets under their management, as may be needed for the protection of passengers on such footways, and may also place any posts in the carriage-ways of such streets, so as to make the crossing thereof less
40 dangerous for foot-passengers; and shall also from time to time repair any such fences or posts, or remove the same or any other obstructions to any such carriage-way or footway as they shall think fit.

47.
Where public
Streets have
not hereto-
fore been
paved, Com-
missioners
may cause
them to be
paved at the
expense of
the occupiers
of adjoining
lands.

If any street, although a public highway at the passing of the Special Act, shall not theretofore have been well and sufficiently paved and flagged, or otherwise made good, the Commissioners may cause such street or the parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good, in such manner as they shall think fit, and the expenses which shall be incurred by the Commissioners in respect thereof shall be repaid to them by the occupiers of the lands abutting on such street or such parts thereof as shall not have been theretofore well and sufficiently paved and flagged, or otherwise made good, and such expenses shall be recoverable from such occupiers respectively as hereinafter provided with respect to private improvement expenses, and thereafter such street shall be repaired by the Commissioners out of the rates levied under this or the Special Act.

48.
Future
Streets may
be declared
Highways.

If any street, not being a public highway at the passing of the Special Act, shall then be or shall at any time thereafter be paved, flagged or otherwise made good, to the satisfaction of the Commissioners, then on the application of the greater part in value of the occupiers of the houses and lands in such street, the Commissioners shall by writing under their common seal, if they be incorporated, or if they be not incorporated, then under the hands of *Five* of the Commissioners, declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall be thereafter repaired by the Commissioners out of the rates levied under this or the Special Act; and such declaration shall be entered among the proceedings of the Commissioners, and notice of such declaration shall be put up in some conspicuous place in or near such street.

49.
Penalty on
persons alter-
ing Pavements
without the con-
sent of the
Commissioners.

Every person who shall wilfully displace, take up, or make any alteration in the pavement, flags or other materials of any street under the management of the Commissioners, without their consent in writing, or without other lawful authority, shall be liable to a penalty not exceeding *Five Pounds*; and also a further sum of *Five Pounds* for every square foot of the pavement, flags or other materials of the street exceeding *One* square Foot so displaced, taken up or altered.

50.
Persons dis-
turb-
ing Pavements
to reinstate
them,
and guard
with lights,
to prevent
accidents.

Every person authorized to take up any of the pavement, flags or other materials of the said streets, for laying, altering or repairing any gas-pipes or water-pipes, or for other lawful purpose, shall with due diligence take up the same, and as soon thereafter as may be, cause the ground and rubbish to be filled in, and the pavement or flags and other materials to be reinstated, and the surface to be made good in a proper and substantial manner with the same or similar materials of the like quality and thickness, and cemented and bound together in the

the same or in an equally substantial manner as those of which it was composed, and shall maintain the same for *Three Months* after the same shall so have been reinstated, and until the surface shall be so reinstated shall fence and guard the places where any ground shall
 5 be open, and place and maintain near thereto lights during the night, so as to prevent accidents, and every person who shall make default in any of the premises, shall for every such offence be liable to a penalty not exceeding *Five Pounds*; and in case of such default the Commissioners may fill in such ground, and remove
 10 such rubbish, and repair and make good the pavement, flags and other materials of any such street so broken up, and properly fence or guard any excavation, and place and maintain lights during the night to prevent accidents, as to them shall seem necessary; and the reasonable costs and charges thereof shall be paid to
 15 the Commissioners by the person in default, over and above any penalty to which he may have become liable, and in default of payment of such costs and charges, the amount may be recovered from such person as damages.

AND with respect so laying out new Streets; BE it Enacted as follows :

New Streets.

Every person who shall intend to make or lay out any new street, shall give notice thereof to the Commissioners, in order that the level of such street may be fixed by the Commissioners.

51.

Notice of intention to lay out street to be given to the Commissioners.

The level of every new street which shall be made or laid out
 25 shall be fixed under the direction of the Surveyor of the Commissioners, subject to such right of appeal as hereafter mentioned, and the level so fixed, if not altered on appeal, shall be kept thereafter by every person raising any house or other building in such street.

52.

Levels to be fixed by the Surveyor to the Commissioners.

If the Commissioners shall not fix such level within *Six Weeks*
 30 from the time of the delivery of such notice as aforesaid, unless the fixing of such level be delayed by the appeal hereinafter provided, the person giving such notice may proceed with laying out the street at any level which will allow of compliance with the other provisions of this and the Special Act, as if such level had been fixed
 35 by the Commissioners, and in such case every change of the level which the Commissioners shall afterwards deem requisite, and the works consequent thereon, shall be made by the Commissioners, and the expense thereof, and any damage which any person may sustain in consequence of such alteration, shall be defrayed by them.

53.

If the Commissioners fail to fix the level the party may proceed.

40 Every person who shall make or lay out any such new street as aforesaid, without causing such notice to be given to the Commissioners as aforesaid, shall be liable to defray all the expenses consequent

54.

Persons laying out streets without notice to be liable to the

expenses of subsequent alterations of levels.

quent upon any change of the level of the said street which shall be deemed requisite by the Commissioners, and every person raising any house or other building in such street, who shall not keep the level fixed by the Commissioners, shall be liable to defray all the expenses consequent upon any change of the level of that part of the street on which such house or building abuts, which shall be deemed requisite by the Commissioners. 5

55.
Situation of Gas and Water Pipes may be altered at the expense of the Commissioners.

The Commissioners may raise, sink or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any of the streets, as often and in such manner as they shall think necessary for the purposes of this or the Special Act, provided that the water-pipes or gas-pipes, or other water-works or gas-works, be not permanently injured thereby, or the water or gas prevented from flowing in its proper channel; and the expenses attending such raising, sinking or altering, and full compensation for every damage done thereby shall be paid by the Commissioners. 10 15

56.
Commissioners to make compensation for damage done.

The Commissioners shall make good all damage to any buildings or land, by reason of altering the level of any street, or otherwise carrying into execution any of the powers of this or the Special Act, or of any Act incorporated therewith, and shall pay to the owners and occupiers of any such buildings or lands respectively, such amount of compensation for such injury as shall be agreed upon between such owners and occupiers and the Commissioners; and if such owners and occupiers and the Commissioners cannot agree as to the amount of such compensation, and the proportions thereof to be paid to such owners and occupiers respectively, then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to, shall be determined in the manner provided by the Lands Clauses Consolidation Act, 1845, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof. 20 25 30

57.
Width of new Streets.

It shall not be lawful to make or lay out any new street unless the same be of the prescribed width, or where no width is prescribed, unless the same, being a carriage-road, shall be at least *Thirty Feet* wide, or not being a carriage-road, shall be at least *Twenty Feet* wide. 35

Naming Streets.

58.
Houses to be numbered and Streets named.

AND with respect to naming the Streets and numbering the Houses; BE it Enacted, as follows: 40

The Commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as

as they shall think fit, and shall cause to be put up or painted on a conspicuous part of some house, building or place at or near each end, corner or entrance of every such street, the name by which such street is to be known; and every person who shall destroy,
 5 pull down or deface any such number or name, or shall put up any number or name different from the number or name put up by the Commissioners, shall be liable to a penalty not exceeding *Forty Shillings* for every such offence.

The occupiers of houses and other buildings in the streets shall
 10 mark their houses with such numbers as the Commissioners shall approve, and shall renew such numbers as often as they shall become obliterated or defaced; and every such occupier who shall fail, within *One Week* after notice for that purpose from the Commissioners, to mark his house with a number approved by the
 15 Commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding *Forty Shillings*; and the Commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages.

20 AND with respect to improving the Line of the Streets; BE it Enacted, as follows:

The Commissioners may allow any building within the limits of the Special Act to be set forward for improving the line of the street in which such building or any building adjacent thereto is
 25 situated.

The Commissioners may agree with the owners of any lands within the limits of the Special Act, for the absolute purchase thereof, for the purpose of widening, enlarging or otherwise improving any of the streets.

30 Where any house or building in or near any street shall have been burnt or pulled down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such street, or of making any alteration in the line of the houses or buildings, they may, out of the rates to be levied by them under this or the Special Act, or any Act to be incorporated therewith, purchase for that
 35 purpose any part of the site of such house or building, or of the land occupied therewith, from any person willing to sell the same.

When any house or building, any part of which projects beyond the regular line of the street, or beyond the front of the house or building on either side thereof, shall have been taken down in order

to be rebuilt or altered, the Commissioners may require the same to be set backwards to or toward the line of the street, or the line of the adjoining houses or buildings, in such manner as the Commissioners shall direct, for the improvement of such street :
Provided always, That the Commissioners shall make full compensation to the owner of any such house or building for any damage he may thereby sustain. 5

64.
Future Projections to be removed on notice.

The Commissioners may give notice to the occupier of any house or building to remove or alter any porch, shed, projecting window, step, cellar, cellar-door or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate or fence, or any other obstruction or projection, which shall after the passing of the Special Act be erected or be placed against or in front of any house or building within the limits of the Special Act, and shall be an obstruction to the free and safe passage along any street ; and such occupier shall, within *Fourteen Days* after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a penalty not exceeding *Forty Shillings* ; and the Commissioners in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages. 10 15 20

65.
Existing Projections to be removed and compensation made.

If any such obstructions or projections as last before mentioned shall have been erected or placed against or in front of any house in any such street before the passing of the Special Act, the Commissioners may cause the same to be removed or altered as they shall think fit : Provided that they give notice in writing of such intended removal or alteration to the occupier of the house or building against or in front of which such obstruction or projection shall be, *Thirty Days* before such alteration or removal shall be begun, and shall make reasonable compensation to every person who shall suffer damage by such removal or alteration. 25 30

66.
Doors in future to be made to open inwards.

All doors, gates and bars which shall be put up after the passing of the Special Act, within the limits thereof, and which shall open upon any street, shall be hung so as not to open outward, and if any such door, gate or bar shall be hung so as to open outwards on any street, the occupier of such house, building, yard or land, shall within *Eight Days* after notice from the Commissioners to that effect, cause the same to be altered so as to open inwards, and in case he shall fail or neglect so to do, the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and he shall, in addition, be liable to a penalty not exceeding *Forty Shillings*. 35 40

It

If any such door, gate or bar shall, before the passing of the Special Act, have been hung so as to open outwards, upon any street, the Commissioners may alter the same, so that no part thereof, when open, shall project over any public way.

67.

Doors opening outwards to be altered by Commissioners.

- 5 When any opening is now or shall hereafter be made in the paving or soil of any pavement or footpath within the limits of the Special Act, as an entrance into any vault or cellar, a door or covering shall be made by the occupier of such vault or cellar, of iron, or such other materials, and in such manner as the Commissioners shall direct, and such door or covering shall from time to time be kept in good repair by the occupier of such vault or cellar, and if such occupier shall not within a reasonable time make such door or covering, or shall make any such door or covering contrary to the directions of the Commissioners, or if such occupier shall not keep the same when made in good repair, he shall for every such offence be liable to a penalty not exceeding *Five Pounds*.

68.

Coverings for Cellar Doors to be made.

- The occupier of every house or building in, adjoining or near to any street shall, within *Seven Days* next after service of an order of the Commissioners for that purpose, put up, and keep in good condition, a shoot or trough of the whole length of such house or building, and either connect the same with a similar shoot on the adjoining house or with a pipe or trunk to be fixed to the front or side of such building, from the roof to the ground, to carry the water from the roof thereof, in such manner that the water from such house or any portico or projection therefrom shall not fall upon the persons passing along the street, or flow over the footpath, and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty not exceeding *Forty Shillings* for every day that he shall so make default.

69.

Waterspouts to be affixed.

- 30 AND with respect to ruinous or dangerous Buildings; BE it Enacted, as follows :

*Ruinous or
Dangerous
Buildings.*

70.

Ruinous or dangerous Buildings to be taken down or secured.

- If any building or wall, or any thing affixed thereon, within the limits of the Special Act, shall be deemed by the Surveyor of the Commissioners to be in a ruinous state and dangerous to passengers or to the occupiers of the neighbouring buildings, such Surveyor shall immediately cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such building or wall, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, secure or repair such building, wall or other thing

**Ruinous or
Dangerous
Buildings.**

thing as the case shall require, and if such owner or occupier shall not begin to repair, take down or secure such building, wall or other thing, within the space of *Three Days* after any such notice shall be so given or put up as aforesaid, and complete such repairs, or taking down or securing, as speedily as the nature of the case will admit, the said Surveyor may make complaint thereof before any Two Justices, and it shall be lawful for such Justices to order the owner, or in his default the occupier (if any) of such building, wall or other thing to take down, rebuild, repair or otherwise secure the same or such part thereof as shall appear to them to be in a dangerous state, to the satisfaction of such Surveyor, within a time to be fixed by such Justices, and in case the same shall not be taken down, repaired, rebuilt or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Commissioners shall with all convenient speed cause all or so much of such building, wall or other thing as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall or other thing, shall be paid by the owner thereof.

**71.
The Expense
to be levied
by distress on
the Owner.**

If such owner can be found within the limits of the Special Act, and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress, and any Justice may issue his warrant accordingly.

**72.
If Owner cannot be found,
Commissioners may take
the House or
Ground.**

If such owner cannot be found within the said limits, or sufficient distress of his goods and chattels within the said limits cannot be made, the Commissioners, after giving *Twenty-eight Days'* notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, may take such building or land, provided that such expenses shall not be paid or tendered to them within the said *Twenty-eight Days*, making compensation to the owner of such building or land in the manner provided by the Lands Clauses Consolidation Act, 1845, in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and shall be entitled to deduct out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of the said building or land for the purposes of this Act.

**73.
Commissioners may sell
the Materials.**

If any such house or building as aforesaid, or any part of the same, shall be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of

of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Commissioners shall restore any over-
 5 plus arising from such sale to the owner of such house or building, on demand; nevertheless, the Commissioners, although they shall sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the pay-
 10 ment of the whole of the said expenses.

AND with respect to precautions during the construction and repair of the Sewers, Streets and Houses; BE it Enacted, as follows:

*Precautions
during
Repairs.*

The Commissioners shall, when any of the streets vested in them shall be under repair, or during the construction or repair of any
 15 sewers or drains, take proper precaution for guarding against accident by shoreing up and protecting the adjoining houses, and shall cause such bars or chains to be fixed across or in any of the streets to prevent the passage of carriages and horses while such works are carried on, as to them shall seem proper; and the Commissioners
 20 shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be lighted and guarded during the night, so as to prevent accidents; and every person who shall take down, alter or remove any of the said bars or chains, or extinguish any light, without the authority or consent of the Commissioners, shall for
 25 every such offence be liable to a penalty not exceeding *Five Pounds*.

74.
Bars to be erected across Streets while repairs or alterations are making, and lights placed at night.

Every person who shall build or take down any building within the limits of the Special Act, or cause the same to be so done, or who shall alter or repair the outward part of any such building, or cause the same to be so done, where any street or footway shall
 30 be obstructed or rendered inconvenient by means of such work, before beginning the same, shall cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on, from the street, with a convenient platform and handrail, if there shall be room enough, to serve as
 35 a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition, to the satisfaction of the Commissioners, during such time as may be necessary for the public safety or convenience; and shall in all cases in which the same shall
 40 be necessary to prevent accidents, light or cause the same to be sufficiently lighted during the night; and every such person who shall fail to put up any such fence or hoard or platform with such handrail as aforesaid, or to continue the same respectively standing

75.
Hoards to be set up during repairs.

and in good condition as aforesaid during the time aforesaid, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the Commissioners within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding *Five Pounds*, and a further penalty not exceeding *Forty Shillings* for every day while such default shall be continued.

76.
Penalty for
not lighting
Deposits of
Building Ma-
terials or Ex-
cavations.

When any building materials, rubbish or other things shall be laid, or any hole shall be made in any of the streets, the person causing such materials or other things to be so laid, or the said hole to be made, shall at his own expense, cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole shall remain ; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things shall be removed, or the hole filled up or otherwise made secure ; and every such person who shall fail so to light, fence or inclose such materials or other things, or such hole, shall, for every such offence, be liable to a penalty not exceeding *Five Pounds*, and a further penalty not exceeding *Forty Shillings* for every day while such default shall continue.

77.
Penalty for
continuing
deposits of
Building Ma-
terials or ex-
cavations an
unreasonable
time.

In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding *Five Pounds*, to be paid for every such offence by the person causing such materials or other things to be laid or such hole to be made ; and in any such case the proof that the time has not exceeded the necessary time, shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

78.
Dangerous
places to be
repaired or
inclosed.

If any building or hole, or any other place near any street, shall, for want of sufficient repair, protection or inclosure, be dangerous to the passengers along such street, the Commissioners shall cause the same to be repaired, protected or inclosed, so as to prevent danger therefrom ; and the expenses of such repair, protection or inclosure shall be repaid to the Commissioners by the owner of the premises so repaired, protected or inclosed.

*Objections
to Works.*

79.
Commis-
sioners to give
notice of new
Levels or
Sewers.

AND with respect to objections to the works to be constructed by the Commissioners ; BE it Enacted as follows :

Twenty-eight Days before fixing the level of any street which has not become a public highway, or any street which has not been theretofore levelled and paved, and before making any sewer where none was before,

before, or altering the course of or abandoning or stopping any sewer; the Commissioners shall give notice of their intention by posting a printed or written notice in a conspicuous place at each end of every such street through or in which such work is to be undertaken, which
 5 notice shall set forth the name or situation of the street intended to be levelled or paved, and the names of the places through or near which it is intended that the new sewer shall pass or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and shall refer to plans of such intended work,
 10 and shall specify a place and time when and where all persons interested in such intended work may be heard thereupon.

The Commissioners shall meet at the time and place mentioned in the said notice, to consider, in the presence of the Inspector, any objections made against such intended works, and
 15 all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard before the Commissioners at such meeting, and thereupon the Commissioners may, with the concurrence of the Inspector, abandon or make such alterations in the said intended work as they shall judge fit, and no such work, to
 20 which any objection shall be made at such meeting, shall be executed unless the Inspector, after hearing the person making such objection, or his agent, shall have certified that the work in his judgment ought to be executed, nor shall such work be
 25 begun until the end of *Seven Days* after an order for the execution thereof shall have been duly made by the Commissioners, and entered in the books of the Commissioners.

80.
Meeting of
Commissioners to hear
objections in
the presence
of the In-
spector.

Any person liable to pay or to contribute towards the expense of any of the works aforesaid, or who shall otherwise be aggrieved by any order of the Commissioners relating thereto, may,
 30 at any time within *Seven Days* next after the making of any such order, give notice in writing to the Commissioners that he intends to appeal against such order to the next Court of Quarter Sessions, which shall be holden after the expiration of *Ten Days* next after such notice, and along with such notice he shall give a statement in writing of the grounds of the appeal; and if within
 35 *Four Days* next after giving such notice the party shall enter into a recognizance before some Justice, with Two sufficient sureties conditioned to try the appeal, and abide the order of the Court, and pay such costs as shall be awarded by the Court thereupon, the Commissioners shall not begin to execute the work so appealed against until after the judgment of the Court upon such appeal; and such
 40 court, upon due proof of such notice and of such recognizance having been given and entered into, shall hear and determine the matter of the appeal, and shall make such order thereon, either confirming,

81.
Appeals.

quashing or varying the same, and shall award such costs to either of the parties as the Court in its discretion shall think fit: Provided always, That the appellant shall not be heard in support of such appeal, unless such notice and statement shall have been given and such recognizance shall have been entered into as aforesaid, nor on the hearing of such appeal shall he go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

*Cleansing
Streets.*

AND with respect to cleansing the Streets; BE it Enacted as follows :

82.
Commission-
ers to cause
Streets to be
cleansed, and
Dust and
Ashes to be
removed from
the Houses.

The Commissioners shall cause all the streets, together with the foot-pavements, from time to time, to be properly swept and cleansed, and all dust, and filth of every sort which may be found thereon, to be collected and removed, and shall cause all the dust, ashes and rubbish to be carried away from the houses and tenements of the inhabitants of the town or district within the limits of the Special Act, at convenient hours and times, and shall cause the privies and cesspools within the said town or district to be from time to time emptied and cleansed in a sufficient and proper manner, (as shall be required): Provided always, That the occupier of any house or tenement within the limits of the Special Act may keep and remove any such soil, ashes or rubbish as shall be made on his own premises, and shall be kept for manure, so that the same be not a nuisance to the inhabitants residing near such premises, and that the same be removed at such times and in such manner as shall be approved of by the Commissioners.

83.
Occupiers to
cause foot-
ways to be
swept.

The occupiers of buildings and lands within or adjoining the streets, shall once in every day (Sundays excepted), before *Eight* of the clock in the forenoon of each day, cause to be swept and cleansed the footways and pavements in front or at the side of their respective buildings and lands, and every such occupier making default herein, shall for every such offence be liable to a penalty not exceeding *Five Shillings* ; and for the purpose aforesaid, when any house shall be let in separate apartments, the person letting such apartments shall be deemed the occupier.

84.
Commission-
ers may com-
pound for
sweeping
footways.

The Commissioners may compound for such time as they think fit with any person liable to sweep or clean any footway under the provisions of this or the Special Act or any order of the Commissioners in pursuance thereof, for sweeping and cleaning the same in the manner directed by this or the Special Act or such order as aforesaid.

The

The dust and filth which the Commissioners shall cause to be collected from the streets, privies, sewers and cesspools, and all the dust, ashes and rubbish which the Commissioners shall cause to be collected and carried away from the houses or elsewhere within the said limits, shall be the property of the Commissioners, and the Commissioners shall have power to sell and dispose of the same as they shall think proper, and the money arising from the sale thereof shall be applied toward the purposes of the Special Act.

85.
Refuse vested
in the Com-
missioners.

- 10 The Commissioners may from time to time provide places convenient for the deposit of the night-soil, dung, ashes and other filth and rubbish to be collected under the authority of this or the Special Act, and for the deposit of stone and other materials for the streets ; and for stabling and keeping all horses, carts, implements and
15 other things required for the purposes of this or the Special Act, or of any Act to be incorporated therewith, and for any of such purposes, the Commissioners may purchase or hire any lands or buildings which shall by them be considered necessary, or they may cause any new building to be made upon any land which shall be
20 purchased or hired by them under the provisions of this or the Special Act.

86.
Commission-
ers may pro-
vide Lands,
&c. for de-
posit of Soil
and materials.

- The Commissioners, if they think fit so to do, may cause any number of moveable or fixed dust-boxes or other conveniences wherein dust and ashes may be deposited until removed and carried
25 away to be provided and placed in such of the streets as they shall judge necessary, and may require the occupiers of houses or tenements within such streets to cause all their dust and ashes to be deposited daily in the said dust-boxes or other conveniences ; and every person who after such dust-boxes or conveniences shall have been so pro-
30 vided shall deposit or cause or permit to be deposited any ashes or dust in any part of any street, except in some of the said dust-boxes or other conveniences, or who shall lay or cause to be laid any dirt, dung or other filth in any part of any street, shall for every such offence forfeit and pay a sum not exceeding *Ten Shillings*.

87.
Dust-boxes
to be erected
by Commis-
sioners.

- 35 The Commissioners shall erect such public urinals and water-closets or privies, within the limits of the Special Act, and in such situations as they shall think fit, and may defray the expense thereof, and of keeping the same in good order, and may make compensation for any injury occasioned to any person by the erection thereof, out of the monies to be levied under this and the Special Act.
40

88.
Public conve-
niences.

The Commissioners shall, as often as occasion may require, cause the streets to be watered, and may contract with any Water Company or other party for a supply of water for that purpose, and for

89.
Commission-
ers may water
Streets and
provide
Wells,
Pumps, &c.

**Cleansing
Streets.**

cleansing the sewers and drains; and if necessary they may place pipes, conduits and pumps in any of the streets, or provide any other works and engines proper for that purpose, and remove and alter the same when and as they shall think proper.

**90.
Commission-
ers to appoint
Scavengers.**

The Commissioners may appoint and employ a sufficient num- 5
ber of scavengers, or contract with any Company or other person
to employ scavengers for sweeping, cleansing and watering the
streets, and for removing all dust, ashes, rubbish and filth therefrom,
and for emptying privies and cesspools in the manner by this or the
Special Act directed; and such scavengers shall, on such days and 10
at such hours, and in such manner as the Commissioners shall from
time to time appoint, sufficiently execute all such works and duties as
they shall respectively contract or be employed to perform; and
every such contractor who shall fail to sweep and properly cleanse
or water any street which he shall have contracted to sweep, cleanse 15
or water, or who shall fail to clean out and empty any privy, cesspool
or sewer which he shall have contracted to clean out and empty at
the time and in the manner appointed by the Commissioners, or to
collect or remove any dirt, ashes or rubbish which he shall have
contracted to remove at the time and in the manner prescribed 20
by the Commissioners for that purpose, or who shall lay any of such
soil, dust, ashes, rubbish or filth in any other place than such as
shall be appointed by the Commissioners for that purpose, shall
for every such offence be liable to a penalty not exceeding *Five*
Pounds.

**91.
Penalty for
obstructing
Scavengers.**

Every occupier of any building or land within the said limits, 25
and every other person who shall refuse to permit the said scavengers
to remove such dirt, ashes or rubbish as by this or the Special Act
they are authorized to do, or who shall obstruct the said scavengers
in the performance of their duty, shall for every such offence be
liable to a penalty not exceeding *Five Pounds*. 30

**92.
Penalty on
persons other
than Scaven-
gers removing
Dirt.**

Every person other than the person employed by the Com-
missioners or by some person contracting with the Commissioners for
that purpose, who shall collect or carry away any night-soil, dust,
ashes, rubbish or filth by this or the Special Act directed to be
removed by persons employed by the Commissioners, from any 35
street or house or other place within the limits of the Special Act,
shall be liable to a penalty not exceeding *Forty Shillings* for every
such offence.

**93.
Penalty for
conveying of-
fensive matter
at improper
times.**

Every person who within the limits of the Special Act, shall empty
or begin to empty any privy between the hours of *Five* in the morn- 40
ing and *Twelve* at night, or remove along any thoroughfare within
the said limits any night-soil, soap-lees, ammoniacal liquor or other
such

such offensive matter, between the hours of *Five* in the morning and *Twelve* at night, and also every person who shall at any time use for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart or of the stench thereof, or who shall wilfully slop or spill any such offensive matter in the removal thereof, or who shall not carefully sweep and clean every place in which any such offensive matter shall have been placed, or have been unavoidably slopped or spilled, shall be liable to a penalty not exceeding *Forty Shillings*, and in default of the apprehension of the actual offender, the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

AND with respect to the prevention of Nuisances; BE it Enacted, as follows:

Stagnant
Pools of
Water and
other annoy-
ances to be
removed.

15 No person shall suffer any waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him within the limits of the Special Act, so as to be a nuisance; and every person who shall so suffer any such water to remain for *Forty-eight Hours* after receiving notice from the Commissioners to remove the same; and every person who shall allow the contents of any privy or cesspool to overflow or soak therefrom to the annoyance of the occupiers of any adjoining property, shall for every such offence be liable to a penalty not exceeding *Forty Shillings*, and to a further penalty of *Five Shillings* for every day during which such nuisance shall continue; and the Commissioners may drain and cleanse out any stagnant pools, ditches or ponds of water, and abate any such nuisance, and for that purpose may enter, by their officers and workmen, into and upon any building or land within the said limits, at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person by whom such offence shall be committed, or occupying the building or land whence such annoyance shall proceed, and if there be no occupier, by the owner of such building or land, and shall be recoverable as damages.

Regulations
to prevent
accumulation
of Dung.

35 If the dung or soil of any stable, cow-house or pig-stye, or other collection of refuse matter elsewhere than in any farm-yard, shall at any time be allowed to accumulate within the limits of the Special Act for more than *Thirty Days* or for more than *Seven Days* after a quantity exceeding *One Ton* shall have been collected in any place not allowed by the Commissioners, such dung, soil or refuse, if not removed within *Forty-eight Hours* after notice from any officer of the Commissioners for that purpose, shall become the property of the Commissioners, and they or any person with whom they have at that time any subsisting contract for the removal of all such

Nuisances.

refuse may sell and dispose of the same, and the money thence arising shall be applied toward the purposes of the Special Act.

96.
On Certificate
of the Officer
of Health,
Filth to be
removed.

If at any time the Officer of Health shall certify under his hand to the Commissioners that any accumulation of dung, soil or filth, or other noxious or offensive matter, within the limits of the Special Act ought to be removed, as being injurious to the health of the inhabitants, the Clerk to the Commissioners shall forthwith give notice to the owner or reputed owner of such dung, soil or filth, or to the occupier of the land where the same shall be, to remove the same within *Twenty-four Hours* after such notice; and in case of failure to comply with such notice, the said dung, soil or filth shall thereupon become vested in the Commissioners, and they or any person with whom they may have at that time contracted for the removal of all such refuse may sell and dispose of the same, and the money thence arising shall be applied toward the purposes of the Special Act.

97.
Houses to be
whitewashed
and purified.

If at any time the Officer of Health shall certify under his hand to the Commissioners that any house, or part of any house or building within the limits of the Special Act, is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing or purifying of any house or building, or any part thereof, would tend to prevent or check infectious or contagious disease therein, or that any drain, privy or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Commissioners shall order the owner or occupier of such house or part thereof, to whitewash, cleanse and purify the same, and the owner of such drain, privy or cesspool to amend the condition thereof, in such manner and within such time as the Commissioners may deem reasonable; and if such owner or occupier shall not comply with such order, he shall be liable to a penalty not exceeding *Ten Shillings* for every day's neglect thereof; and in such case the Commissioners may cause such house, or any part thereof, to be whitewashed, cleansed and purified, or the condition of such drain, privy or cesspool to be amended, and may recover the expense thereof from such owner or occupier in the same manner as damages.

98.
No interment
in any grave
without leaving
Two Feet
Six Inches
clear of soil
above the
coffin.

No coffin containing a corpse shall be buried in any grave within the limits of the Special Act, not being a vault or catacomb, without at least *Thirty Inches* of soil between the ordinary surface of such burial-ground and the upper side of the coffin; and if the Sexton or other person having the preparation or the immediate charge of the preparation of the grave to receive such coffin, shall permit

permit the coffin to be buried in such grave, or if the Minister, Churchwarden, Trustee or other person having the control of the burial-ground, shall knowingly permit any coffin to be buried in any grave in which there shall not be left, after the burial thereof, **3** *Thirty Inches* at the least of soil, measuring from the ordinary surface of such burial-ground to the upper side of the coffin, every such Sexton or other person having the immediate charge of the preparation of the grave, and every such Minister, Churchwarden, Trustee or other person having the control of the burial-ground in **10** which such burial shall be made, shall for every such offence be liable to a penalty not exceeding *Five Pounds*.

If any Sexton or other person having the preparation or the immediate charge of the preparation of graves in any burial-ground within the said limits, shall be guilty of a second or other subsequent offence against this Act, the Justices before whom he shall be convicted of such second or other subsequent offence, if such Justices shall think proper so to do, may, instead of awarding any pecuniary penalty in respect of such offence, adjudge that the offender be incompetent to execute the office of Sexton or **20** any other office giving him the charge of the preparation of graves, in any burial-ground within the said limits, either permanently or for such time as shall be declared by such Justices; and any such Sexton or other person who, after having been so declared incompetent as aforesaid, shall, during the time of such his declared incompetency, act as Sexton, or act in any manner in the preparation of any grave, within the said limits, shall for every offence **25** be liable to a penalty not exceeding *Five Pounds*.

99.
Justices may suspend any Sexton from his office.

It shall not be lawful for any person to establish for the first time after the passing of the Special Act, in any building or vault or **30** in the open air, within *Fifty Feet* from any street or from any dwelling-house or land belonging to any person other than himself or his landlord, within the limits of the Special Act, any business of any of the following kinds; (that is to say) as maker of gas or coke, blood-boiler, bone-boiler or bone-crusher, fell-monger, soap-boiler, tallow-melter, **35** tripe-boiler, whale-blubber boiler or oil-boiler, or any like offensive or noxious business; and every person who shall offend against this enactment, on conviction thereof before Two Justices, shall be liable to a penalty not exceeding *Fifty Pounds*.

100.
Noxious businesses not to be newly established near any public way or dwelling-house.

It shall not be lawful for any person to establish for the first time **40** after the passing of the Special Act, in any building or vault, or in the open air within *Fifty Feet* from any street, or from any other building or land belonging to any person other than himself or his landlord, any business of any of the following kinds; (that is to say) the manufacture of gunpowder or of detonating powder, or of matches

101.
Dangerous businesses not to be newly established near any public way or dwelling-house or other buildings.

Nuisances.

or other substance liable to sudden explosion, inflammation or ignition, or of vitriol, or of turpentine, or of naptha, or of varnish, or of fireworks, or of painted table covers, or of any other manufacture dangerous on account of the liability of the material or substances employed therein to cause sudden fire or explosion; and every person who shall offend against this enactment, on conviction thereof before Two Justices, shall be liable to a penalty not exceeding *Fifty Pounds*.

102.
Justices may
order nuis-
ances to be
abated.

If any candle-house, melting-house, melting-place or soap-house, or any slaughter-house, boiling-house for offal, pigstye, necessary-house, dunghill, manure-heap, or any manufactory, building, place or matter, within the limits of the Special Act, shall at any time be certified to the Commissioners by the Inspector of Nuisances or Officer of Health, to be a nuisance or injurious to the health of the inhabitants, the Commissioners shall direct complaint to be made before Two Justices; and any such Justices may summon before any Two Justices the person by or on whose behalf the work complained of is carried on, and such Justices shall inquire into such complaint, and they may, by an order in writing under their hands, order such person to discontinue or remedy the nuisance within such time as to them shall appear expedient: Provided always, That if it shall appear to such Justices that in carrying on any business complained of, the best means then known to be available for mitigating the nuisance or the injurious effects of such business have not been adopted, it shall be lawful for them to suspend their final determination, upon condition that the person so complained against shall undertake to adopt, within a reasonable time, such means as the said Justices shall judge to be practicable, and order to be carried into effect, for mitigating or preventing the injurious effects of such business.

103.
Penalty for
disobedience
of Justices' order.

If any such nuisance, or the cause of any such injurious effects as aforesaid, shall not be discontinued or remedied within such time as shall be ordered by the said Justices, the person by or on whose behalf the business causing such nuisance is carried on shall be liable to a penalty not exceeding *Five Pounds* for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid: Provided always, That when any person who shall think himself aggrieved by any such order shall, according to the provisions of this or the Special Act, appeal against any such order, such person shall not be liable to discontinue or remedy the nuisance or cause of the injurious effects mentioned therein, or to pay any penalty until after the expiration of *Five Days* after the determination of such appeal and the confirmation of such order, unless such appeal shall cease to be prosecuted.

The

5 The Commissioners may direct any prosecution for any public nuisance whatsoever which shall be created, permitted or suffered within the limits of the Special Act, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this or the Special Act, or of any Act incorporated therewith, and may order the expenses of such prosecution or other proceedings to be paid out of the rates authorized to be imposed under the provisions of this and the Special Act.

104.
Commissioners to order Costs of Prosecutions.

10 Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is or but for this Act would be deemed to be a nuisance at common law, nor to exempt any person guilty of nuisance at common law from prosecution or action in respect thereof, according to the forms of
15 proceeding at common law, nor from the consequences upon being convicted thereof.

105.
Act not to affect Nuisances at Common Law.

AND with respect to the prevention of Smoke ; BE it Enacted, as follows :

Smoke.

20 Every fire-place or furnace constructed after the passing of the Special Act, in order to be used within the limits of such Act, in the working of engines by steam, or in any mill, factory, dye-house, brewery, bakehouse, gas-work, or in any manufactory whatsoever (although a steam-engine be not used or employed therein), shall be so constructed as to consume the smoke arising from the combustibles used in such fire-place or furnace; and every such fire-
25 place or furnace existing within the said limits, at the date of the passing of the Special Act used for the purposes aforesaid, not so constructed as to consume the smoke arising from such fire-place or furnace shall, within the prescribed period, or if no period be prescribed, then within *Two Years* after the passing of the Special Act, be so altered in its construction as to consume such smoke; and if
30 any person shall after such period use any furnace for any of the purposes aforesaid, which shall not be so constructed as aforesaid, every such person so offending, or the owner or occupier of every such furnace or fire-place, shall be liable to a penalty of *Forty Shillings*
35 for every day during any part of which such furnace or fire-place shall be so used and continued, after *One Month's* notice in writing shall have been given to him by the Commissioners to remedy or discontinue the use of the same.

106.
Fire-places of Factories, &c. to consume their own Smoke.

40 AND with respect to the construction of houses for prevention of Fire; BE it Enacted as follows :

Fire.

The party-walls of all buildings which shall be erected after the passing of the Special Act within the limits thereof, shall be carried

107.
Party-walls to be carried up through the roof.

201.

E

through

Fires.

Walls of
buildings and
coverings of
roofs to be
made of in-
combustible
materials.

through and above the roof, to form a parapet of not less than *Twelve Inches* in height, measured at right angles with the slope of the roof above the covering of the roof of the highest building to which such party-walls belong ; and all such party-walls, and the external walls of all buildings to be erected after the passing of the Special Act in or near any street, or within the curtilage of any house adjoining any street, and the coverings of the roof thereof, shall be constructed of incombustible materials; and it shall not be lawful for the owner of any building within the limits of the Special Act, having at the passing of the Special Act a roof covered with thatch or other combustible material, and contiguous to or adjoining to any other building, to suffer such covering to such roof to remain for a longer period than *Seven Years* after the passing of the Special Act, and every person who shall erect any building, or cover any roof, or suffer the covering of any roof to continue contrary to the provision herein contained, and who shall not remove or alter the same, within *One Month* after notice shall have been given to him for that purpose by the Commissioners, shall be liable to a penalty not exceeding *One Pound* for every day that such building or covering to such roof shall so continue.

Ventilation.

108.
Places for
Public Meet-
ings to be con-
structed with
approbation
of Surveyor.

AND with respect to supplying houses with fresh Air; BE it Enacted, as follows :

No building to be used as a church, chapel or school, or a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, shall be built within the limits of the Special Act, until the manner proposed for its construction, with respect to the means for supplying fresh air, shall have been approved of by the Surveyor of the Commissioners, who, if he shall disapprove of the manner proposed, shall state his reasons in writing to the Commissioners, and if any such building shall be erected without such approval or the permission of the Commissioners, on examining the grounds for disapproval having been previously obtained, the Commissioners may cause such building, or such part of it as they shall consider proper, to be pulled down or altered at the expense of the owner, and any expense incurred by the Commissioners in so doing may be recovered as hereinbefore provided with respect to ruinous or dangerous buildings taken down or repaired by the Commissioners.

109.
Houses not to
be built in
close Courts.

It shall not be lawful to build any house within the limits of the Special Act in any court which shall not throughout be open for the space of *Thirty Feet* at the least from the ground upwards: Provided, That for building any privies and ash-pits for such court, and for the houses in the street leading to such court, the width of the court may, if the Commissioners shall think proper, be narrowed

rowed to *Twenty Feet* in width, such buildings not exceeding *Twenty Feet* in height, and being constructed to the satisfaction of the Commissioners.

Ventilation.

- 5 It shall not be lawful to build any house within the limits of the Special Act, unless the same shall have at least One room on the ground-floor, containing *One hundred and Forty-four* Superficial Feet, clear of any stair or staircase, or any other reduction save One chimney-breast and fire-place therein, nor any house which shall have any room therein which shall be less than *Seven Feet Six Inches* in height from the floor to the ceiling, save the attic rooms, which
10 may range *Seven Feet* in height from the floor to the ceiling, and cellars not used for habitation, which may be of any height not less than *Six Feet*.

110.
Regulating
size of Rooms.

- 15 It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling-place, any cellar under any house in any court within the limits of the Special Act, respecting which the Commissioners shall have given notice to the owners thereof, that the letting of cellars as dwelling-places in such court is prohibited from that time forth; and it shall be the
20 duty of the Commissioners to issue such notices from time to time, as soon as is convenient, until such notice shall have been given with respect to every court within the limits of the Special Act.

111.
Cellars in
Courts not to
be occupied
as Dwellings.

- 25 It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling-place, any cellar or room under any house within the said limits, although not situated in a court, which cellar or room shall be less in height from the floor to the ceiling than *Seven Feet*, or which shall be less than *One-third* of its height above the level of the street adjoining the same, or otherwise shall not have *Two Feet* at least of its height
30 from the floor to the ceiling above the said level, with an open area of *Two Feet* wide from the level of the floor of such cellar or room up to the level of the said street, or which shall not have appurtenant thereto the use of a watercloset or privy or ash-pit, according to the enactment herein contained, or which shall not
35 also have a sashed window double hung, the area of which is not less than *Nine Feet* clear of the sash frame, and a fire-place with a chimney or flue, or which, being an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, shall not have a ventilating chimney (unless such inner or back
40 cellar shall be part of a house built before the passing of the Special Act), or which shall not be well and effectually drained by means of a drain, the bottom of which is *One Foot* at least below the level of the floor of such cellar or room.

112.
Cellars not to
be let for
Dwellings,
unless of a
certain
height.

113.
Penalty.

Every person who shall let separately (except as aforesaid), or knowingly suffer to be occupied for hire, as a dwelling-place, any cellar or room within the limits of the Special Act, contrary to the provisions of this and the Special Act, shall be liable to a penalty not exceeding *Five Shillings* for every day during which such cellar or room shall be so occupied. 5

Lodging-houses.

AND with respect to Lodging-houses; BE it Enacted, as follows :

114.
For the regulation and inspection of Lodging-houses.

It shall not be lawful to keep or use as a public lodging-house, within the limits of the Special Act, any house not being a licensed victualling house, which shall be rated to the relief of the poor on a less sum than *Ten Pounds*, nor in any case unless such house shall have been registered as a lodging-house in a book to be kept by the Commissioners for that purpose; and every house shall be deemed a public lodging-house within the meaning of this Act in which persons are harboured or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any term less than a week. 10 15

115.
Commissioners to keep a Register of Lodging-house keepers and make Rules for promoting Cleanliness and Ventilation.

The Commissioners shall cause a register to be kept by their clerk, in which shall be entered the names of all such persons as shall apply to have the houses occupied by them registered as lodging-houses, and the situations of such houses; and the Commissioners shall from time to time fix the number of lodgers who may be received into each such lodging-house, and make rules for promoting cleanliness and ventilation in such lodging-house; and they shall order that a ticket containing the number of lodgers allowed to be received into the house, and a table of rules for promoting cleanliness and ventilation, shall be hung up or placed in a conspicuous part of each room into which lodgers are received; and the keepers of all such lodging-houses shall at all times observe the said rules and give access to such lodging-houses when required by any persons appointed by the Commissioners for the purpose of inspection thereof, or for the purpose of performing therein any disinfecting process which the Commissioners may order; and any keeper of any such lodging-house or other person who shall offend against any of these provisions shall be liable for each such offence to a penalty not exceeding *Forty Shillings*. 20 25 30 35

116.
Penalty on lodging-house keepers not complying with the provisions of the Act.

Every person who shall keep any lodging-house and receive lodgers therein, without the same having been duly registered, or who shall receive into the same more lodgers than shall be allowed by the Commissioners, or who shall fail to keep such ticket or such table of rules as aforesaid, hung up or displayed as required by the 40 the

- the Commissioners, or who shall neglect to cause such rules to be observed in any such lodging-house, or who shall refuse to admit to such lodging-house at all reasonable times, any person appointed by the Commissioners for any of the purposes aforesaid, or who shall wilfully obstruct any such person in performing any disinfecting process therein which the Commissioners may order, shall be liable to a penalty not exceeding *Forty Shillings* for each such offence.

AND with respect to lighting the town or district; BE it Enacted, as follows :

Lighting.

- 10 The Commissioners shall from time to time cause the several streets, or such of them as they shall think proper, to be lighted with oil or gas, or otherwise, at such times and in such manner as they shall think fit, and provide such lamps, lamp-posts, and other works as may be necessary for that purpose.

117.
Power for the Commissioners to light the Streets.

- 15 The Commissioners may contract for the prescribed period, or (where no period shall be prescribed) for any period not exceeding *Three Years* at any one time, with the owners of any gas-works, or with any other person, for the supply of such gas or oil, or other means of lighting, as the Commissioners may think necessary for lighting such streets.

118.
Commissioners may contract for lighting the Streets.

- If the Commissioners and the owners of any gas-works authorized by Act of Parliament to supply gas within the limits of the Special Act, and with whom the Commissioners may be desirous of contracting, shall not agree as to the price to be paid for such supply, then such price shall be settled by arbitration; and for that purpose the clauses of the Land Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this and the Special Act.

119.
For ascertaining price to be paid for Gas in case of dispute.

- If by the Special Act the Commissioners shall be empowered to manufacture Gas, the Gasworks Clauses Act, 1847, with exception of the clauses with respect to the amount of profit to be received by the Undertakers when the Gasworks are carried on for their benefit, shall be incorporated with this and the Special Act; and the Commissioners shall be deemed the Undertakers referred to in the said Gasworks Clauses Act, 1847.

120.
Incorporation of Gas Works Clauses Act.

AND with respect to the supply of Water; BE it Enacted, as follows :

Water.

- The Commissioners shall cause all existing public cisterns, pumps, wells, conduits and other waterworks, used for the gratuitous supply of

121.
Supply of Water by Public Cisterns.

Water.

terns and
Pumps for
Baths and
Wash-houses.

of water to the inhabitants within the limits of the Special Act to be continued, maintained and supplied with water, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with water, and such public cisterns and other works shall be vested in the Commissioners, and be under their management and control; and the Commissioners may construct any number of new cisterns, pumps, conduits and other waterworks for the gratuitous use of any persons who may choose to carry the same away for their own private use, but not for sale, and may supply with water any public baths or wash-houses.

5

10

122.
Commission-
ers may con-
tract for Sup-
ply of Water.

The Commissioners may contract for the prescribed period, or (where no period shall be prescribed) for any period not exceeding Three Years at one time, with the owners of any waterworks or any other person for such supply of water, as the Commissioners shall think necessary, for the purposes of this or the Special Act.

15

123.
For ascertain-
ing Price to
be paid for
Water in case
of dispute.

If the Commissioners and the owners of any waterworks, authorized by Act of Parliament to supply water within the limits of the Special Act, with whom the Commissioners may be desirous of contracting, shall not agree as to the price to be paid for such supply, then such price (except where by the Act authorizing such waterworks, some other mode of determining such price shall be provided) shall be settled by arbitration, and for that purpose the clauses of the Lands Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this and the Special Act.

20

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124.
Incorporation
of Water-
works Clauses
Act.

If by the Special Act the Commissioners shall be empowered to construct Waterworks and to supply water for the purposes of the Special Act, the Waterworks Clauses Act, 1847, with exception of the clauses with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit, shall be incorporated with this and the Special Act; and the Commissioners shall be deemed the Undertakers referred to in the said Waterworks Clauses Act, 1847.

30

Markets.

AND with respect to Markets and Fairs; BE it Enacted, as follows:

35

125.
Incorporation
of Market
Clauses Act.

If by the Special Act the Commissioners shall be empowered to provide a market within the limits of the Special Act, the Markets and Fairs Clauses Act, 1847, shall be incorporated with this and the Special Act; and the Commissioners shall be deemed the Undertakers referred to in the said "Markets and Fairs Clauses Act, 1847."

The

The Commissioners shall be empowered to order the suppression of any fair holden in any street within the limits of the Special Act, and shall give notice of such suppression by causing a copy of their order to be put on the parish church, and in One or more conspicuous places in the street where such fair has been usually holden, and after such notice it shall not be lawful to hold the fair so suppressed in such street.

If any attempt shall be made to hold any fair so suppressed, the Commissioners may direct any Constable to remove every booth, standing and tent and every carriage of any kind brought to or being in such street for holding or continuing such fair, and to take into custody every person erecting, pitching or fixing, or assisting to erect, pitch or fix any such booth, standing or tent; and every person driving, accompanying or conveyed in every such carriage, and every person resorting to such street with any show or instrument of gambling or amusement, and every person convicted before a Justice of doing any act for which he is herein made liable to be taken into custody, shall be liable to a penalty not exceeding *Ten Pounds*.

20 AND with respect to Slaughter-houses; BE it Enacted, as follows:

The Commissioners may provide such slaughter-houses as they shall from time to time think proper for slaughtering cattle within the limits of the Special Act.

25 No place shall be used or occupied as a slaughter-house or knacker's yard within the said limits which shall not be in such use and occupation at the time of the passing of the Special Act and have continued in such occupation for *Three Months* previously thereto, unless a license for the erection thereof, or for the use and occupation thereof as a slaughter-house, shall have been previously obtained from the Commissioners; and every person who, without having first obtained such license as aforesaid, shall use as a slaughter-house any place within the said limits not used as such for *Three Months* before the passing of the Special Act, shall for each offence be liable to a penalty not exceeding *Five Pounds*, and a like penalty for every day after the conviction for such offence upon which the said offence shall be continued.

Every place within the limits of the Special Act which shall be used as a slaughter-house or knacker's yard, shall, within *Three Months* after the passing of such Act, be registered by the owner or occupier thereof, at the office of the Commissioners; and

every person who after the expiration of the said *Three Months* shall use or suffer to be used any such place as a slaughter-house or knacker's yard without its being so registered, shall be liable to a penalty not exceeding *Five Pounds* for such offence, and a penalty not exceeding *Ten Shillings* for every day after the first day during which such place shall be used as a slaughter-house or knacker's yard without having been so registered.

131.
Fee on regis-
tration of
existing
Slaughter-
houses.

On the registration of any slaughter-house or knacker's yard which shall be existing at the time of the passing of the Special Act, there shall be paid to the Clerk to the Commissioners such sum as the Commissioners shall direct, not exceeding *Five Shillings*.

132.
Commis-
sioners may
make Bye-
laws for
regulation of
Slaughter-
houses.

The Commissioners shall from time to time, by bye-laws, to be made and confirmed in the manner hereinafter provided, make regulations for the registering and inspection of the said slaughter-houses and knackers' yards, and preventing cruelty therein, and for keeping the same in a cleanly and proper state, and for removing filth at least Once in every *Twenty-four Hours*, and for requiring that they shall be provided with a sufficient supply of water, and may impose pecuniary penalties on persons breaking such bye-laws: Provided, That no such penalty shall exceed, for any one offence, the sum of *Five Pounds*, and in the case of a continuing nuisance the sum of *Ten Shillings* for every day during which such nuisance shall be continued.

133.
Justice may
suspend
License.

Any Justice before whom any person shall be convicted of killing or dressing any cattle contrary to the provisions of this or the Special Act, or of the non-observance of any of the bye-laws or regulations made by virtue of this or the Special Act, in addition to the penalty imposed on such person under the authority of this or the Special Act, may suspend for any period not exceeding *Two Months* the license which may have been granted to such person under this or the Special Act, or in case such person shall be the owner or proprietor of any registered slaughter-house or knacker's yard, may forbid for any period not exceeding *Two Months* the slaughtering of cattle therein; and such Justice, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed under the authority of this or the Special Act, declare the license which may have been granted under this or the Special Act revoked, or in case such person shall be the owner or proprietor of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein; and whenever the license of any such person shall be revoked as aforesaid, or whenever the slaughtering of cattle in any registered slaughter-house or knacker's yard shall be absolutely forbidden as aforesaid, it shall be lawful for the Commissioners to refuse

refuse to grant any license whatever to the person whose license shall have been so revoked, or by whose default the slaughtering of cattle in any registered slaughter-house shall be forbidden.

5 The inspector of nuisances, or any other officer appointed
by the Commissioners for that purpose, may at all times in the
day, with or without assistants, enter into and inspect any
building or place whatsoever within the said limits kept or used
for the sale of butchers' meat, or for slaughtering cattle, and
examine whether any cattle, or the carcase of any such cattle,
10 is deposited there, and in case such officer shall find any cattle,
or the carcase or part of the carcase of any beast, which shall
appear unfit for the food of man, he may seize and carry the
same before a Justice, and such Justice shall forthwith order the
same to be further inspected and examined by competent persons,
15 and in case upon such inspection and examination, such cattle,
carcase or part of a carcase shall be found to be unfit for
the food of man, such Justice shall order the same to be im-
mediately destroyed or otherwise disposed of in such way as to
prevent the same being exposed for sale or used for the food of
20 man; and such Justice may adjudge the person to whom such cattle,
carcase, or part of a carcase, shall belong, or in whose custody the
same shall be found, to pay a penalty not exceeding *Ten Pounds* for
every such animal or carcase, or part of a carcase, so found; and the
owner or occupier of any building or place kept or used for
25 the sale of butchers' meat, or for slaughtering cattle, and every other
person who shall obstruct or hinder such inspector or other officer
from entering into and inspecting the same, and examining, seizing
or carrying away any such animal or carcase or part of a carcase
which shall so appear to be unfit for the food of man, shall be liable
30 to a penalty not exceeding *Five Pounds* for each offence.

134.
Officers may
enter and in-
spect Slaugh-
ter-houses,
&c.

AND with respect to accidental Fires; BE it Enacted, as follows: *Fire Polica.*

Every person who shall wilfully set or cause to be set on fire any
chimney within the limits of the Special Act, shall be liable to a
penalty not exceeding *Five Pounds*: Provided always, That nothing
35 herein contained shall exempt the person so setting or causing to be
set on fire any chimney from liability to be indicted for felony.

135.
Penalty for
setting Chim-
ney on fire.

If any chimney shall accidentally catch or be on fire within the
said limits, the person occupying or using the premises in which
such chimney shall be situated, shall be liable to a penalty not
40 exceeding *Ten Shillings*: Provided always, That such forfeiture
shall not be incurred if such person shall prove to the satisfaction
of the Justice before whom such case shall be heard, that such fire

136.
Penalty for
having Chim-
ney on fire.

Fire Police.

was in nowise owing to omission, neglect, or carelessness of himself or servant.

137.
Fire-engines
and Firemen
may be pro-
vided by the
Commis-
sioners.

The Commissioners may purchase or provide such engines for extinguishing fire, and such water-buckets, pipes and other appurtenances for such engines, and such fire-escapes and other implements 5
for safety or use in case of fire, and may purchase, keep or hire such horses for drawing such engines as they shall think fit, and may build, provide or hire places for keeping such engines with their appurtenances, and may employ a proper number of persons to act as firemen, and may make such rules for their regulation as they 10
shall think proper, and give such firemen and other persons such salaries and such rewards for their exertions in cases of fire as they shall think fit.

138.
Fire-police
going beyond
the limits of
the Act.

The Commissioners may send such engines with their appurtenances, and the said firemen, beyond the limits of the Special Act 15
for extinguishing fire in the neighbourhood of the said limits; and the owner of the lands or buildings where such fire shall have happened, shall in such case defray the actual expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable charge for the use of such engines, with their appurtenances, 20
and for the attendance of such firemen; and in case of any difference between the Commissioners and the owner of the said lands or buildings, the amount of the said expenses and charge, as well as the propriety of sending the said engines and firemen as aforesaid for extinguishing such fire (if the propriety thereof be disputed), shall 25
be determined by Two Justices, whose decision shall be final; and the amount of the said expenses and charge shall be recovered by the Commissioners as damages.

139.
Commission-
ers to provide
Fire-plugs.

The Commissioners shall provide and maintain fire-plugs and all necessary works, machinery and assistance for securing an 30
efficient supply of water in cases of fire, and for this purpose they may enter into any agreement with any water company or other party, and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may from time to time deem expedient. 35

Special Order.

AND with respect to things to be done by the Commissioners by Special Order only; BE it Enacted, as follows :

140.
Certain mat-
ters to be
done by the
Commis-
sioners by
special order
only.

Where by this or the Special Act, the Commissioners shall be empowered to do any thing by special order only, it shall not be lawful for them to do such thing unless the resolution to do the same shall

shall have been agreed to by the Commissioners in some meeting whereof special notice shall have been given, and shall have been confirmed in a subsequent meeting held not sooner than *Four Weeks* after the preceding meeting, and which subsequent meeting shall
 5 have been advertised once at least in each of the weeks intervening between the two meetings, and of which special notice shall have been given to each of the Commissioners.

By a special order as herein defined, but not otherwise, the Commissioners may do all or any of the following things; (that is to say)

10 The Commissioners may purchase, rent or otherwise provide lands, grounds or other places either within the limits of the Special Act, or at a reasonable distance therefrom, not exceeding *Three Miles* from the centre of the principal market-place, if any, or from the principal office of the Commissioners, and in a situation to be
 15 approved of by the Inspector, to be used as a pleasure ground or place of public resort or recreation; and the Commissioners may from time to time level, drain, plant and otherwise lay out and improve any such public lands or grounds, for the more convenient use and enjoyment thereof.

141.
Commissioners may provide Places for Public Recreation.

20 The Commissioners may from time to time purchase, rent or otherwise provide, either within the limits of the Special Act, or at a reasonable distance therefrom, suitable and convenient land and buildings, in a situation and according to plans to be approved of by the Inspector, to be used for public baths and washhouses, and
 25 public open bathing places, and public drying-grounds for the use and accommodation of the inhabitants within the limits of the Special Act, in washing and drying clothes and other articles, and may fit up the same respectively with all requisite and proper conveniences; and from time to time enlarge, renew and repair the same
 30 respectively, and afford the use thereof respectively to such inhabitants at such reasonable charges, and under and subject to such regulations as the Commissioners may deem expedient; and every person who shall offend against any such regulations shall be liable to a penalty not exceeding *Forty Shillings* for every offence.

142.
Premises may be provided for Public Bathing Places and Public Drying Grounds.

35 Provided always, That the number of baths for the use of the working classes in any building provided by the Commissioners, shall not be less than *Twice* the number of the other baths of any higher class.

143.
Proportion of Baths for Working Classes.

40 The Commissioners may from time to time make such reasonable charges for the use of such baths, bathing-places, wash-houses and drying-grounds as they shall think fit; but as regards the working classes, not exceeding the charges mentioned in the Special Act,

144.
Charges for use of Baths.

unless for the use of any washing-tub or trough for more than *Two Hours* in any one day, in which case any charge may be made which the Commissioners shall deem reasonable.

145.
Recovery of
Charges for
Baths, &c.

For the recovery of the charges at such wash-houses and drying-grounds, the officers, servants and others having the management thereof, may, at the period of using the same, or at any subsequent time, detain the clothes or other goods and chattels in or upon any such wash-house or drying-ground of any person refusing to pay the charge to which such person may be liable, or any part thereof, till full payment thereof be made; and in case such payment be not made within *Seven Days*, the Commissioners may sell such clothes, goods and chattels, or any of them, returning the surplus proceeds of such sale, after deducting the unpaid charge, and the expenses of such detention and sale, and the unsold articles, if any, on demand to such person.

146.
Publication of
Bye-laws in
regard to
Baths, &c.

A printed copy, or sufficient abstract of the bye-laws made by the Commissioners relating to the use of such baths, bathing-places and wash-houses, so far as regards every such bath, bathing-place or wash-house, shall be put up in such bath-room, bathing-place and wash-house.

147.
Sale of Baths,
&c. on dis-
continuing
them.

Whenever any of such public baths, bathing-places, wash-houses or drying-grounds shall be determined by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may sell the same for the best price that can reasonably be obtained for the same, and convey the same accordingly; and the purchase money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners shall direct.

148.
Power to pro-
vide Public
Clocks.

The Commissioners may from time to time provide such clocks as they shall consider necessary, and cause them to be fixed upon or against any public building, or with the consent of the owner and occupier, upon or against any private building, the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and from time to time alter and remove any such clocks to such other like situation as they shall consider expedient.

149.
Application
to be made to
Parliament if
additional
powers neces-
sary.

If it shall appear that any works which the Commissioners shall deem necessary for promoting the health or convenience of the inhabitants of the district within the limit of the Special Act cannot lawfully be carried into effect by the Commissioners, under the powers vested in them by this or the Special Act, by reason either that the monies authorized to be raised by them are insufficient for the purpose, or that any lands are required which the Commissioners are not by this or the Special Act authorized to take or use, or for any other reason, the

the Commissioners may resolve to apply to Parliament for an Act to enable them to execute such works, and may defray the expenses of such application out of the rates authorized to be levied by them, under this and the Special Act.

5 AND for giving facilities to the Commissioners for executing the Works which they are empowered to execute; BE it Enacted as follows :

*Execution
of Works
by Commis-
sioners.*

10 The Commissioners shall, for the purposes of this or the Special Act, have power by themselves or their officers, to enter at all rea-
sonable hours in the day time, into and upon any buildings or
lands within the limits of the Special Act, as well for the purpose
of inspection as for the purpose of executing any work authorized
to be executed by them under this or the Special Act, or any Act
incorporated therewith, without being liable to any legal proceed-
15 ings on account thereof.

150.
Commission-
ers empow-
ered to enter
upon Lands.

Every person who shall at any time obstruct the Commissioners or
any person employed by them in the performance of anything which
they are respectively empowered or required to do by this or the
Special Act, or any Act to be incorporated therewith, shall be liable
20 to a penalty not exceeding *Five Pounds*.

151.
Commission-
ers not to be
obstructed in
their duty.

AND with respect to ensuring the execution of the Works by
this or the Special Act required to be done by the Owners of
houses or lands; BE it Enacted, as follows :

*Execution of
Works by
Owners.*

25 Where under this or the Special Act any notice shall be required
to be given to the owner or occupier of any building or land,
such notice addressed to the owner or occupier thereof, as the
case may require, may be served on the occupier of such build-
ing or land, or left with some inmate of his abode, or if there
be no occupier, that it be put up on some conspicuous part of
30 such building or land; and it shall not be necessary in any such
notice to name the occupier or the owner of such building or land:
Provided always, That when the owner of any such building or
land, and his residence, shall be known to the Commissioners, it
shall be the duty of the Commissioners, if such owner shall be resid-
35 ing within the limits of the Special Act, to cause every notice re-
quired to be given to the owner to be served on such owner or left
with some inmate of his abode; and if such owner shall not be
resident within the limits of the Special Act, to send every such
notice by the post, addressed to the residence of such owner, but
40 the neglect of the Commissioners to perform such duty shall not invali-
date the notice, if duly given in the manner hereinbefore specified.

152.
Service of
notice on
owners and
occupiers of
buildings and
lands.

153.
Commission-
ers in default
of owner or
occupier,
may execute
works and
recover
expenses.

Whenever under the provisions of this or the Special Act, or any Act to be incorporated therewith, any work of any kind shall be required to be executed by the owner or occupier of any house or lands, and default shall be made in the execution of such work, the Commissioners may cause such work to be executed, and the expense thereof shall be repaid to the Commissioners by the person by whom such work ought to have been executed.

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154.
Occupier in
default of
owner may
execute
works and
deduct ex-
penses from
his rent.

Whenever default shall be made by the owner of any buildings or lands in the execution of any work by this or the Special Act, or any Act incorporated therewith, required to be executed by him, the occupier of such buildings or lands may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be repaid to such occupier by the owner of the buildings or lands, and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

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155.
How Ex-
penses are to
be recovered
from Owner.

If the owner of any buildings or lands made liable by this or the Special Act for the repayment to the Commissioners of any expenses incurred by them shall not, as soon as the same shall become due and payable from him, repay all such expenses to the Commissioners, the Commissioners may recover the same from such owner, or from any subsequent owner of such buildings or lands, in the same manner as damages, or in an action of debt in any of the superior courts, or in any other court having jurisdiction.

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156.
Power to levy
charges on
Occupier.

The Commissioners may, by way of additional remedy, whether any such action or proceeding shall have been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable, or which may be recovered from the owner for the time being, from the person who shall then or at any time thereafter occupy any such buildings or lands; and in default of payment thereof by such occupier on demand, the same may be levied by distress and sale of the goods and chattels of such occupier, in the same manner as any rate may be recovered from him under this or the Special Act; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as shall be so paid by or recovered from him in respect of any such expenses.

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157.
Occupier not
to be liable
for more than
the amount
of rent due.

Provided always, That no occupier of any buildings or lands shall be liable to pay more money in respect of any expenses charged by this or the Special Act on the owner thereof, than the amount of rent due from him for the premises in respect of which such expenses shall be payable at the time of the demand made

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- made upon him, or which shall at any time after such demand and notice not to pay the same to his landlord, have accrued and become payable by him, unless he shall neglect or refuse, upon application made to him for that purpose by the Commissioners, truly to dis-
- 5 close the amount of his rent, and the name and address of the person to whom such rent is payable; but the burthen of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which shall have since accrued, shall lie upon such occupier: Provided also,
- 10 That no such occupier shall be liable to pay more money in respect of such expenses as aforesaid, than the amount which shall be payable by or recoverable from his landlord: Provided further, That nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the
- 15 payment of the expenses of any such works as aforesaid.

- If the occupier of any buildings or lands within the limits of the Special Act, shall prevent the owner thereof from carrying into effect, in respect of such buildings or lands any of the provisions of this or the Special Act, or of any Act to be incorporated there-
- 20 with, after notice of his intention so to do shall have been given by the owner to such occupier, any Justice, upon proof thereof, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such buildings or lands as may be necessary for carrying into effect the provisions
- 25 of this and the Special Act, or of any Act to be incorporated therewith; and if after the expiration of *Ten Days* from the date of such order such occupier shall continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he shall so continue to refuse, be liable to a penalty
- 30 not exceeding *Five Pounds*; and every such owner during the continuance of such refusal shall be discharged from any penalties in which he might otherwise have become liable by reason of his default in executing such works.

158.
Proceedings
in case of
Tenants op-
posing the
execution of
this Act.

- Nothing herein or in the Special Act contained shall extend to
- 35 avoid any agreement in writing entered into before the passing of the Special Act for erecting or altering any building, but the same shall be performed with such alterations as may be rendered necessary by this or the Special Act, and as if such alterations had been stipulated for in such agreement; and the difference
- 40 between the cost of the work according to the agreement and the cost of such work as executed according to the provisions of this and the Special Act shall be ascertained by the parties to the respective agreements, and paid for or deducted as the case may require; and if the said parties shall not agree upon the amount of such differ-

159.
Respecting
existing con-
tracts for
building.

ence, the same shall, on the request of either party (notice being given to the other), be decided by the surveyor to the Commissioners, and for his trouble in making such decision, each of the said parties shall pay to the said surveyor the sum of *One Pound*, to be disposed of for the purposes of the Special Act as the Commissioners shall direct. 5

160.
Respecting
contracts for
leases.

Nothing herein or in the Special Act contained shall affect any lease or agreement for a lease whereby any person may be bound to erect buildings upon any building-ground within the limits of the Special Act, but the buildings mentioned in such lease or agreement shall be built according to the conditions which may be rendered necessary by this or the Special Act, in the same manner as if this and the Special Act had been passed and in operation at the time of making such lease or agreement, and the same had been made subject thereto, and that without either party being entitled to any compensation. 10 15

Rates.

AND with respect to the Rates to be made for carrying the purposes of this and the Special Act into execution; BE it Enacted, as follows :

161.
Special rates.

Where by this Act the occupiers of any lands or buildings are made liable to the payment of any expenses which are directed to be recoverable as private improvement expenses, the Commissioners may charge the occupiers of such lands and buildings respectively with special rates, over and above any other rates to which such persons may be liable under this Act, after the yearly rate of *Six Pounds Ten Shillings* in the hundred pounds on the cost of such private improvements respectively, such special rates to be payable during *Thirty Years* next after such expenses shall have been incurred. 20 25

162.
Commissioners to
make a
Sewer-rate
distinct from
other Rates.

Except where it shall be otherwise provided by the Special Act, the Commissioners shall make a Sewer-rate distinct from any other rate which they may be authorized to make under the Special Act, and the money to be raised by such sewer rate shall be applied in aid of the special sewer rates for the purpose of purchasing, building and repairing sewers, as hereinbefore provided, and for securing and paying off any monies which may be borrowed for the purpose aforesaid on security of the sewer rates, under the provisions of this or the Special Act, or of any Act incorporated therewith, and the interest of such monies. 30 35

163.
Mortgage of
Sewer Rates.

The Commissioners may borrow money by mortgage of the general and special sewer rates for making new sewers, or inclosing open sewers, and for that purpose, the clauses of the " Commissioners' Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act ; and in order to 40

to discharge the principal money borrowed as aforesaid on security of the said sewer rates, the Commissioners shall in every year pay off not less than one *Thirtieth part* of the principal sum so borrowed.

5 The Commissioners shall from time to time, unless it be otherwise provided by the Special Act, make such sewer rate of such amount as will with the special sewer rates raise money sufficient not only to defray the current expenses of maintaining the sewers that shall have been purchased or made, but also to keep down the interest of any monies borrowed on security of the sewer rate,
10 and to pay off the principal of such monies within a period not longer than *Thirty Years*.

164.
Sewer-rate to be of such amount as to pay off Monies borrowed thereon in *Thirty Years*.

Where by the Special Act the Commissioners shall be authorized to order that the paving-rate or other rate thereby authorized to be levied, shall be levied by assessments to be made for separate and
15 distinct districts or levels, the Commissioners from time to time may order assessments to be made in respect of the rates authorized to be so levied upon separate and distinct districts, and in such case the Commissioners shall cause their Surveyor to describe and define in the plan of the town or district within the limits of the Special
20 Act every such separate and distinct district for the purposes of separate rating as aforesaid, and so from time to time, as occasion shall require.

165.
Cases where rates may be charged upon separate and distinct Districts.

The Commissioners may in such case, instead of making one assessment for the whole town or district, within the limits of the
25 Special Act, make separate and distinct assessments, as occasion shall require, for every such separate and distinct level or district respectively, and may appoint, if they shall see fit, surveyors, collectors and other officers for every such level or district; and they shall cause separate and distinct accounts to be kept of all monies collected
30 and received under any rate, in each distinct level or district, and of all payments and disbursements in respect thereof; and they shall, unless otherwise prescribed by the Special Act, apply the monies to be collected and received from each distinct level or district under any such rate as aforesaid, for the several purposes to
35 which the same may be lawfully applied under the authority of this and the Special Act, but so nevertheless that each level or district shall, as near as may be, bear its own expenses; and in case any such expenses shall apply to or be incurred in respect of two or more levels or districts, the same shall be apportioned and divided
40 between such levels and districts in such manner as shall be fair and equitable.

166.
Rates to be levied on separate and distinct Districts.

AND with respect to the Application of Monies coming to the hands of the Commissioners; BE it Enacted, That all the monies

167.
Application of monies.

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which

which shall come to the hands of the Commissioners, by virtue of this or the Special Act, shall be paid to the Treasurer of the Commissioners, or to such other person as they shall appoint; and all such monies shall, unless by the Special Act it be otherwise provided, be applied and disposed of as follows :

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Firstly. In defraying the charges and expenses which shall have been incurred in, or shall be incident to, the obtaining and passing of the Special Act :

Secondly. In paying the interest and instalments required to be annually paid of the principal monies borrowed, and which shall from time to time be due and owing on the credit of the rates, tolls, duties or assessments granted by the Special Act :

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Thirdly. In defraying the costs, charges and expenses of carrying the several purposes of this and the Special Act into execution :

And lastly. In paying off the principal monies due on the credit of the rates, tolls, duties and assessments granted by the Special Act, which are not required to be paid off within a limited time.

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168.

Rates to be levied on persons holding, using or occupying Houses, &c.

Every rate which the Commissioners shall be by this or the Special Act authorized to make or levy shall be made and levied by them, at yearly, half-yearly or such other periods, as they shall think fit, upon every person who shall occupy any of the prescribed kinds of property, or (if no property be prescribed) any house, shop, warehouse, counting-house, coach-house, stable, cellar, vault, building, workshop, manufactory, garden, land or tenement whatsoever (except as hereinafter is excepted), within the limits limits of the Special Act, according to the full net annual value thereof respectively; and the said rates shall be vested in the Commissioners, and shall be payable at such times as they shall appoint : Provided always, That every person who shall occupy lands used as arable, meadow, or pasture ground only, or as woodlands, or market-gardens or nursery-grounds, shall be rated in respect of the same, if no proportion be prescribed, in the proportion of *One-fourth* part only of such net annual value thereof as aforesaid.

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Exception in favour of the Holders of Lands, Nursery Grounds, &c.

169.

Exemptions from Rates.

Provided also, That no person shall be rated to any rate made in pursuance of this or the Special Act, in respect of any church, chapel, meeting-house, or other building exclusively used for public worship, or any building exclusively used for the purposes of gratuitous education of the poor or of public charity, or any building or land belonging to the Commissioners.

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170.

Rates may be prospective or retrospective.

The Commissioners may make any such rate as aforesaid, prospectively, in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively, in order to raise money to pay charges and expenses already incurred.

The

The Commissioners from time to time, before proceeding to make any rate, which by this or the Special Act, or any Act incorporated therewith, they may be authorized to levy, shall cause an estimate to be prepared of the money required for the several purposes
 5 in respect of which they may be authorized to levy such rate, shewing the several sums required, the rateable value of the property assessable, and the rate on each pound of such value necessary to raise the money required, which estimate, after the same shall have been approved of by the Commissioners, shall be forthwith entered on
 10 the rate-book, to be kept by the Commissioners as hereinafter provided.

171.
 Commissioners to cause estimates to be prepared before making a Rate.

Notice of the intention of making every rate authorized to be made under the provisions of this or the Special Act, or any Act incorporated therewith, and of the time at which the same is intended
 15 to be made, and of a place where a statement of the proposed rate shall be deposited for inspection by the rate payers, shall be given by the Commissioners, by placards to be posted up in some public places, and be advertised in some newspaper circulating within the limits of the Special Act, in the week immediately previous to such
 20 rate being made, or as nearly so as may be.

172.
 Notice of Rate to be given.

Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the Form given in the Schedule (B.) to this Act, or as near thereto as the circumstances of the case will admit of; and every such rate shall contain an account of every
 25 particular set forth at the head of the respective columns so far as the same can be ascertained; and every such rate shall be signed by not less than Six of the Commissioners.

173.
 Form of Rate.

The statement for the proposed rate, and the rate, immediately after the same shall be made, shall be open to the inspection of any
 30 person interested or rated in such rate at all seasonable times, and any such person may take copies or extracts from such statement or rate without paying anything for the same; and any person having the custody of such statement or rate who shall refuse or shall not permit any person so interested or rated as aforesaid, to take
 35 copies or extracts from such statement or rate, shall, for every such offence, be liable to a penalty not exceeding *Five Pounds*.

174.
 Rate to be open to Inspection of Rate-payers.

The Commissioners may from time to time amend any rate made by virtue of this or the Special Act, by inserting therein the name of any person claiming and entitled to have his name
 40 therein as owner or occupier, or by inserting therein the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by raising or reducing the sum at which any person shall have been rated, if it shall appear to them that such person has been

175.
 Rates may be amended.

under-rated or over-rated, or by making such other amendments therein as will make such rate conformable to this and the Special Act; and no such amendment shall be held to avoid the rate: Provided always, That every person who shall be aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate, and no such alteration had been made; and as respects such person, the rates shall be considered to have been made at the time he shall have received notice of such alteration; and every person whose rates shall be altered shall be entitled to *Seven Days'* notice of such alteration before the rate shall be payable by him.

176.
Value of
property to
be according
to poor-rate.

The annual value of all property rateable under this or the Special Act shall be ascertained according to the next preceding annual assessment for the relief of the poor within the limits of the Special Act, except in such cases as are hereinafter mentioned.

177.
If poor-rate
an unfair
criterion, a
Valuation to
be made.

Provided always, That if at any time the rate for the relief of the poor within the limits of the Special Act shall, in the judgment of the Commissioners, be an unfair criterion by which the said rates should be made, they may cause a valuation to be made of all the rateable property within the limits of the Special Act, by some competent person to be appointed by them for that purpose, and the rates to be made by the Commissioners for the purposes of this Act shall be made upon such valuation, and in every such valuation the property rateable shall be computed at its net annual value, as defined by an Act made in the seventh year of his late Majesty, intituled, "An Act to regulate Parochial Assessments."

6 & 7 Will. 4,
c. 96.

178.
Valuer to
make a
declaration.

Before any such valuation shall be made, the person appointed to make such valuation shall make and subscribe a solemn declaration to make such valuation fairly and impartially according to the best of his judgment, and an entry or minute shall be made in the book of proceedings of the Commissioners of the making and subscribing of such declaration, and of the date of making the same, and any Justice to whom application may be made for that purpose shall administer such declaration.

179.
Poor-rates to
be open to In-
spection by
Commissioners.

The Commissioners, or any person by them authorized, may from time to time inspect any of the rates for the relief of the poor in any parish, township or other district within the limits of the Special Act, and the books in which are contained all the assessments by which the same are made, and take copies of or extracts therefrom, respectively; and any person having the custody of such rates or assessments who shall not suffer the Commissioners, or any person authorized by them, to inspect the same at reasonable times, or take copies thereof or extracts therefrom, shall be liable to a penalty not exceeding *Five Pounds* for every such offence.

When

Owner to be assessed to the sewer rate if the property be unoccupied.

When any property in respect of which the occupier would be liable to be rated to any sewer rate to be made under the provisions of this or the Special Act, shall at the time of making such rate be unoccupied, the Commissioners shall rate and assess the owner of such unoccupied premises to such rate, and every such owner shall pay the amount of such rate: Provided always, That nothing herein contained shall affect the right herein reserved to recover any arrears of such rates from any future occupier of such premises.

Unoccupied Premises may be included in the Rates; and the Rates are to be collected if the Premises are afterwards occupied.

When any property in respect of which any person may be liable to be assessed as occupier to any rate under the provisions of this or the Special Act, or any Act incorporated therewith, other than the sewer rate, shall at the time of making any such rate be unoccupied, the Commissioners shall in every such case include such property in the said rate, describing it in the column in the said rate appropriated to the name of the occupier as being "empty;" and if any person shall afterwards occupy such property during any part of the period for which such rate shall have been made, the Commissioners shall insert in such rate the name of such occupier, and collect from such occupier or from the owner, if he shall be liable to pay the same, such portion of the said rate as shall be proportioned to the time during which such person shall occupy such property, and every such person shall thereupon be deemed to all intents and purposes to be properly rated; and all such rates may be collected and recovered from the person who shall be liable to pay the same under the provisions of this or the Special Act, in the same manner as other rates made payable thereunder: Provided always, That any such person whose name shall be so inserted in such rate, and such owner as last aforesaid, may appeal against the same to the Justices at special sessions, or to the next quarter sessions which shall be holden after such insertion of his name as aforesaid admitting of such appeal, in the same manner as he might have appealed if named in the rate: Provided also, That, except as aforesaid, no rate, other than the sewer rate, shall be payable by any person in respect of unoccupied premises.

Owners of Property not exceeding 10% per annum net annual value to pay Rates instead of Occupier.

The owners of all rateable property, of which the full net annual value shall not exceed the prescribed sum, or (where no sum shall be prescribed) the sum of *Ten Pounds*, or which shall be let to weekly or monthly tenants, or in separate apartments, shall be rated to and pay the rates by this or the Special Act directed to be made, instead of the occupiers thereof.

Not necessary to name the Owner where unknown.

Whenever the name of any owner liable to be rated under the provisions of this or the Special Act shall not be known to the Commissioners or to the person making the rates, it shall be sufficient to rate such owner in the rate-book of the Commissioners as the owner of the property to be rated, by the designation of the "owner," without stating his name.

Rates.

184.
Deductions to
be made in as-
sessing Rates
on the Owners
of Premises.

In rating and assessing property, the rates whereof are, under the provisions of this or the Special Act, payable by the owner thereof, there shall be deducted from the rent at which the same might reasonably be expected to let from year to year, as in the said Act for regulating parochial assessment is mentioned, not only the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain such property in a state to command such rent, but also a sum not exceeding *Fifteen Pounds* in the Hundred on the amount of such rent, as an equivalent for the loss to which the owners are liable by reason of the frequent changes of tenants, and the difficulty of recovering their rent; and the rate at which such deduction shall be made within the limits above mentioned shall be in the discretion of the Commissioners according to the circumstances of the case.

185.
Tenants
under exist-
ing leases to
repay the
Owner.

Provided always, That when any owner shall be rated in respect of any rateable property which shall be in the occupation of any tenant under any lease or agreement made prior to the passing of the Special Act, such tenant shall repay to the owner all sums which shall be paid by the owner on account of any rates under this or the Special Act during the continuance of such lease, payable by the occupier, unless it shall have been agreed that the owner shall pay all rates in respect of such property, and every such sum of money payable by the tenant to the owner under the provision hereinbefore contained may be recovered, if the same be not paid upon demand, as arrears of rent could be recovered from the occupier by the said owner.

186.
Occupiers
may be rated
if they think
fit.

Provided also, That the occupiers of any rateable property, of which they shall be tenants from year to year, may demand to be assessed for the same, and to pay the rates in respect thereof, made under the authority of this or the Special Act, and the Commissioners shall assess every such occupier so long as he shall duly pay the said rates.

Appeal.

187.
Appeal to
Petty Ses-
sions on the
ground of in-
equality, &c.

AND with respect to the Appeal to be made against any Rate; BE it Enacted, as follows :

If any person shall think himself aggrieved by any rate on the ground of inequality, unfairness or incorrectness in the valuation of any rateable property included therein, or in the amount assessed thereon, he may at any time within *One Month* after such rate shall have been made, appeal to the Justices at any special sessions which may be holden for the division within which the rateable property is situate for the purpose of considering appeals against the poor rates ; but no such appeal shall be entertained by such Justices in special sessions, unless *Seven Days'* notice in writing of such appeal be given by the aggrieved party to the Commissioners ; and at the special sessions for which such notice shall have

have been given, or any adjournment thereof, the Justices there present shall hear and determine all objections to any such rate on the ground of inequality, unfairness or incorrectness in the valuation of any property included therein, or in the amount assessed thereon of which notice shall so have been given, but no other objection; and their decision shall be binding and conclusive on the parties, unless the party impugning such decision shall, within *Fourteen Days* after the same shall have been made, give notice in writing of his intention to appeal against such decision, stating in
 5 such notice the nature and grounds of such appeal, to the party in whose favour such decision shall have been made, and within *Five Days* after giving such notice shall enter into a recognizance before some Justice of the Peace, with sufficient sureties conditioned to try such appeal at the then next quarter sessions at which
 10 the same can be tried, and to abide the order of and pay such costs as shall be awarded by the court at such sessions, or any adjournment thereof.

Their decision binding unless appeal to quarter sessions.

If any person shall think himself aggrieved by any rate made under the authority of this or the Special Act, or by any matters
 20 included in or omitted from the same, he may, at any time within *One Month* after the same shall have been made, give notice of his intention to appeal to the next quarter sessions to be holden, not less than *Fourteen Days* after such notice; but no such appeal shall be entertained at such quarter sessions, unless *Fourteen Days'*
 25 notice in writing of such appeal, stating the nature and grounds thereof, be given by the aggrieved party to the Commissioners: Provided always, That no such notices of appeal shall prevent the issuing of the warrant for any such distress as aforesaid, or the execution thereof, but after such notice shall have been given, no
 30 greater sum shall be levied from the person having given such notice in respect of the rate appealed against by means of any warrant of distress, than the sum at which he or any occupier of the premises in respect of the rating of which the notice of appeal shall have been given, shall have been rated in the last effective rate.

188.

Parties may appeal to the Quarter Sessions against a Rate.

At the quarter sessions for which any such notice of appeal shall be given, either from the decision of the Justices or immediately against any rate, the court shall proceed to hear and determine the appeal in a summary way, except when the court shall think fit to adjourn the appeal to the following sessions; and in all such cases the
 35 court shall hear and determine the appeal at such last-mentioned sessions, and their decision shall be final and conclusive on all parties.

189.

Quarter sessions to hear appeal.

No order of the said Justices in Special Sessions shall be of any force pending any appeal touching the same subject-matter to the court of quarter sessions having jurisdiction to try such appeal, or in opposition to the order of any such court on such appeal.

190.

Order in Special Sessions not to be in force pending appeal.

191.
On Appeal
the Quarter
Sessions and
Petty Ses-
sions to have
same power of
amending and
quashing
Rates, and of
awarding
Costs, as in
Appeals
against Poor-
rates.

The Justices in special sessions, and the court of quarter sessions respectively shall, in any such appeal as aforesaid, have the same powers of amending or quashing the rate in respect of which the appeal is made, as are by law vested in courts of quarter sessions, for amending or quashing the rates for the relief of the poor within their jurisdiction, upon appeals against such rates, and shall likewise have respectively, in any appeal against any rate made under the authority of this or the Special Act, the same powers of awarding costs to be paid by or to any of the parties to the appeal, and of recovering such costs, as are now vested in them respectively for awarding and recovering costs in an appeal against any rate for the relief of the poor within their jurisdiction: Provided always, That if the said Justices or Court shall quash the rate in respect of which the appeal is made, then notwithstanding the quashing of such rate, all sums of money charged by such rate on any person charged by such rate, may, if the Justices or Court shall so order, be levied by such means and in the same manner as if no appeal had been made against such rate, and the money which any person charged on such rate shall pay, or which shall be recovered, shall be taken as a payment on account of the last effective rate which may be made on him for the same purposes for which the rate so quashed shall be made.

192.
Order of Jus-
tices not to be
removed by
Certiorari.

No order of the Justices upon any such appeal as aforesaid shall be removed by certiorari or otherwise into any of Her Majesty's courts of record at Westminster.

Recovery
of Rates.

AND with respect to the recovery of Rates; BE it Enacted, as follows:

193.
Rates to be
recovered by
Distress.

If any person rated under the authority of this or the Special Act, shall not pay any of the said rates due from him for the space of *Fourteen Days* after demand thereof in writing by the Commissioners, or their collector, any Justice, on the application of the Commissioners, or their collector, may summon such person to appear before him at a time to be mentioned in the summons, to show cause why the rates due from him should not be paid, and in case no sufficient cause for the non-payment of such rate shall be shown, the same shall be levied by distress, and such Justice shall issue his warrant accordingly, or the Commissioners may recover the same by action of debt: Provided that if no sufficient distress whereon to levy the amount due in respect of such rates can be found within the jurisdiction of the said Justice, then upon oath thereof made before any Justice of any other county or jurisdiction in which any goods or chattels of the person not paying the said rates may be found, such Justice shall certify the said oath by indorsing the said warrant, and thereupon the amount due in respect of the said rates, and unpaid by the said person, may be levied by distress of the goods and chattels of such person as assessed in the last-mentioned county or jurisdiction.

The

194.

Form of Warrant of Distress. Constables to assist in making Distress.

The warrant of distress for the recovery of any rate made payable by this or the Special Act, may be in the form or to the effect mentioned in Schedule (C.) to this Act annexed; and in all cases where a distress is hereby authorized to be made, every Constable

5 authorized by the warrant to levy any sum mentioned therein, shall, upon being required by a collector of the rates, aid in making a distress or sale, pursuant to such warrant, and every Constable who shall refuse to do so shall be liable to a penalty not exceeding *Five Pounds*.

10 The Commissioners may reduce or remit the payment of any rate, on account of the poverty of the person liable to such payment.

195.

Power to Commissioners to remit Rate.

In any proceeding to levy and recover or consequent on the levying or recovering of any rate under the provisions of this or the Special Act, the books of rates of the Commissioners and all

15 entries made therein, in manner by this or the Special Act directed, shall by the production thereof alone, and without any evidence that the notices and other requirements of this or the Special Act have been given or complied with, or proof of the signatures of the Commissioners whose names shall appear thereon or subscribed therein,

20 be received as evidence of such rate and of the contents thereof.

196.

Rate Books to be evidence.

If any person shall quit or be about to quit any rateable property before he shall have paid the rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their collector on demand, any Justice having jurisdiction where such

25 person may reside, or his goods be found, may summon such person to appear before him at a time mentioned in the summons, to show cause why the rates should not be paid, and if no sufficient cause for the non-payment of such rates be shown accordingly, the same shall be levied by distress, and such Justice shall issue his warrant

30 accordingly.

197.

Remedy against Persons quitting before Payment of Rates.

When any rate shall have been made for a particular period, and the owner or occupier who shall be rated to such rate shall cease to be the owner or occupier of the property in respect whereof he shall be rated before the end of such period, such owner or occupier shall be liable to pay a portion only of the rate payable for the

35 whole of such period, proportionate to the time during which he continued to be owner or occupier; and in every such case if any person after the making of such rate shall become the owner or occupier of any property so rated as aforesaid during part of the

40 period for which such rate shall have been made, such person shall pay a portion of such rate proportioned to the time during which he shall have held or occupied the property so rated, and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

198.

Rates to be apportioned on Holder quitting.

201.

H

When

199.
Rates due
from Owner
may be re-
covered from
Occupier.

When the owner of any rateable property shall, under the authority of this or the Special Act, have been rated in respect thereof, and the rate shall remain unpaid for the space of *Three Months*, the Commissioners or their collector may demand the amount of such rate from the occupier for the time being of such rateable property, and on non-payment thereof, may recover the same by distress and sale of his goods and chattels, in like manner as rates may be recovered from the occupier of any property liable to be rated; and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as shall have been so paid by or recovered from him. 5 10

200.
Occupier not
to be required
to pay more
than the
amount of
rent owing
by him.

Provided always, That no such occupier shall be required to pay, nor shall his goods and chattels be distrained for any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate, or which shall after such demand and after notice not to pay the same to his landlord, at any time accrue and become payable by him, unless he shall refuse, on application being made to him for that purpose, by or on behalf of the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burthen of proof that the sum demanded from any such occupier is greater than the rent which was due by him at the time of such notice, or which shall have since accrued, shall lie upon such occupier. 15 20

201.
Occupier re-
fusing to give
Name of
Owner liable
to a Penalty.

If, on the request of the Commissioners, or of the collector of the said rates, the occupier of any property shall refuse or wilfully omit to disclose, or shall wilfully mis-state to the Commissioners or collector making such request, the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, any Justice of the Peace, on oath made before him of such request, and of such refusal or wilful omission or mis-statement, may summon the person who shall have so refused, or wilfully omitted or mis-stated as aforesaid, to appear at a time and place to be mentioned in such summons, before such Justice, or before some other Justice; and if the person so summoned shall neglect or refuse to attend at the time and place mentioned in the summons, or if he shall attend and not show good cause to the Justice then present for such his refusal or wilful omission or mis-statement, such Justice, upon proof, in case of the neglect or refusal to attend as aforesaid, of the due service of the said summons, or on such attendance, may impose a penalty upon such person who shall have so refused, or wilfully omitted, or have made such wilful mis-statement, not exceeding the sum of *Five Pounds*. 25 30 35 40

And

And be it Enacted, That the several persons who at the time of the passing of the Special Act shall be Surveyors of Highways for any township, or other district within the limits of the Special Act, may proceed for the recovery of any highway-rate made in such township or district, and which shall then remain unpaid, in the same manner as they might have done if this and the Special Act had not been passed; and they shall apply the money which they may so recover, in the first place, in reimbursing themselves any expenses which they may have incurred as such Surveyors as aforesaid, and in discharge of any debts which may be legally owing from them in respect of the highways within such township or district; and so much of the surplus (if any) as shall arise from any buildings or lands within the limits of the Special Act, or a proportionate part thereof, shall be handed over by them to the Treasurer to the Commissioners, and shall be applied to the same purposes as the rates by this or the Special Act authorized to be levied are directed to be applied.

202.
Surveyors of
Highways
may proceed
for the Re-
covery of Ar-
rears of High-
way Rates.

AND with respect to the Bye-laws to be made by virtue of this or the Special Act; BE it Enacted, as follows:

Bye-laws.

The Commissioners may from time to time make such Bye-laws as they shall think fit, for the several purposes for which they are hereinbefore or by the Special Act empowered to make bye-laws, and from time to time repeal, alter or amend any such bye-laws, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect or the provisions of this or the Special Act, and be reduced into writing, and have affixed thereto the common seal of the Commissioners, if they be a body corporate, or the signatures of *Two* of the Commissioners if they be not a body corporate; and, if affecting other persons than the officers or servants of the Company, be confirmed and published as herein provided.

203.
Bye-Laws.

The Commissioners, by the bye-laws so to be made by them, may impose such reasonable penalties as they shall think fit, not exceeding *Forty Shillings*, for each breach of such bye-laws: Provided always, That such bye-laws be so framed as to allow the Justices before whom any penalty imposed thereby shall be sought to be recovered, to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

204.
Bye-Laws
may be en-
forced by
Penalties.

No bye-law which shall be made by the Commissioners under the authority of this or the Special Act, except such as may relate solely to the Commissioners, or their officers or servants, shall come into operation until the same be confirmed in the prescribed manner, and if no manner of confirmation be prescribed, then not until they

205.
Bye-laws to
be confirmed.

Bye-laws.

they shall be allowed by some Judge of one of the superior courts, or by the Justices in quarter sessions; and it shall be incumbent on such Justices, on the request of the Commissioners, to inquire into any bye-laws which may be tendered to them for that purpose, and to allow or disallow of the same as they shall think meet.

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206.
Notice of
confirmation
to be given.

No such bye-laws shall be confirmed unless notice of the intention to apply for a confirmation of the same shall have been given in one or more newspapers circulating within the limits of the Special Act, *One Month* at least before the hearing of such application; and any person desiring to object to any such bye-law, on giving to the Commissioners notice of the nature of his objection *Ten Days* before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.

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207.
A Copy of
proposed Bye-
laws to be
open to In-
spection.

For *One Month* at least previous to any such application for confirmation of any bye-law, a copy of the proposed bye-laws shall be kept at the principal office of the Commissioners; and all persons may, at all reasonable times, inspect such copy without fee or reward; and the Commissioners shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of *Sixpence* for every One hundred words so to be copied.

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208.
Publication
Bye-laws.

Such bye-laws, when confirmed, shall be published in the prescribed manner, and when no manner of publication shall be prescribed, they shall be printed, and the Clerk to the Commissioners shall deliver a printed copy thereof to every person applying for the same without charge; and a copy thereof shall be painted or placed on boards, which shall be hung up on the front or in some conspicuous part of the principal office of the Commissioners, and also on some conspicuous part of the works or locality to which the same may relate; and such boards, with the bye-laws thereon, shall be from time to time renewed, as occasion shall require, and shall be open to inspection without fee or reward; and any such Clerk who shall not allow the same to be inspected at all reasonable times, shall for every such offence be liable to a penalty not exceeding *Five Pounds*.

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209.
Bye-laws to
be binding on
all Parties.

Such bye-laws, when so confirmed and published, shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same.

210.
Evidence of
Bye-laws.

The production of a written or printed copy of the bye-laws requiring confirmation by a Judge of the Superior Courts or the Court of

40

of

of Quarter Sessions, authenticated by the signature of the Judge or of the Chairman of the Court which shall have approved of the same, and a written or printed copy of the bye-laws not requiring such confirmation authenticated by the command of the Commissioners, if they be incorporated, or if not incorporated authenticated by the signatures of *Two* Commissioners, shall be evidence of the existence and of the due making of such bye-laws in all prosecutions under the same, without adducing proof of the signature of such Judge or Chairman, or the common seal or signatures of the Commissioners; and, with respect to the proof of the publication thereof, it shall be sufficient to prove that a board containing a copy thereof was affixed and continued in the manner by this Act directed; and in case of its being afterwards displaced or damaged, that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of the bye-law under which he shall be prosecuted, or that it was not duly affixed or continued as required by this Act.

Any person who shall destroy, pull down, injure or deface any board on the premises of the Commissioners, on which any bye-law of the Commissioners shall be painted or placed, shall for every such offence be liable to a penalty not exceeding *Five Pounds*.

211.
Penalty on
pulling down
Boards.

AND with respect to the tender of amends, BE it Enacted, That if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this or the Special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and, if no such tender shall have been made, it shall be lawful for the defendant by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

212.
Tender of
Amends.

AND with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices; BE it Enacted, as follows:

*Recovery of
Damages and
Penalties.*

The clauses of the Railway Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to Justices, shall be incorporated in this and the Special Act; and

213.
Recovery of
Damages and
Penalties.

*Recovery of
Damages and
Penalties.*

such clauses shall apply to the town or district and to the Commissioners, and shall be construed as if the word "Commissioners" had been inserted therein instead of the word "Company."

214.
One Stipendiary Magistrate to act for Two Justices.

All things herein or in the Special Act, or any Act incorporated herewith, authorized or required to be done by Two Justices, may and shall be done by any One Magistrate having by law authority to act alone for any purpose with the powers of Two or more Justices.

215.
Receiver of Metropolitan Police District to receive Penalties incurred within his District.

Every penalty or forfeiture imposed by this or the Special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence, which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police-constables, are directed to be recovered, enforced, accounted for, paid and applied by an Act passed in the third year of the reign of Her present Majesty, intituled, "An Act for regulating the Police Courts in the Metropolis," and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

& 3 Vict.
71.

216.
In Ireland part of Penalties to be paid to Guardians of Unions.

Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than One-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor-rates of such union.

217.
Persons giving false Evidence liable to Penalties of Perjury.

Every person who, upon any examination upon oath, under the provisions of this or the Special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt Perjury.

AND

AND with respect to affording access to the Special Act ; BE
it Enacted, as follows :

*Access to
Special Act.*

218.

Copies of Special Act to be kept and deposited, and allowed to be inspected.

5 The Commissioners shall at all times, after the expiration of *Six Months* after the passing of the Special Act, keep in their principal office of business a copy of the Special Act, printed by the Printers to Her Majesty, or some of them ; and shall also within the space of such *Six Months* deposit in the office of the Clerk of the Peace of the county in which the town or district within the limits of the Special Act shall be situate, a copy of such Special Act, so printed
10 as aforesaid ; and the said Clerk of the Peace shall receive, and he and the Commissioners respectively shall retain the said copies of the Special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in
15 the first year of the reign of Her present Majesty, intituled, "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either
20 House of Parliament."

7 W. 4, and
1 Vict., c. 83.

If the Commissioners shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the Special Act, they shall forfeit *Twenty Pounds* for every such offence, and also *Five Pounds* for every day afterwards during which such copy shall be not so
25 kept or deposited.

219.
Penalty on Company failing to keep or deposit such Copies.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

220.
Act may be amended this Session.

SCHEDULES

REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)—Sect.

CERTIFICATE of IMPROVEMENT EXPENSES.

By virtue of [here name the Special Act], we [here name the corporation, if the Commissioners be incorporated, or if not incorporated, Five of the Commissioners] appointed in pursuance of the said Act, do hereby certify that A. B., of hath paid the sum of Pounds for works done pursuant to our order, dated the day of in respect of the buildings and lands next described; (that is to say) [here describe the buildings and lands]. And we do further certify, that the said works were completed on the day of One thousand eight hundred and . . . Given under our corporate seal [or, hands] this day of One thousand eight hundred and .

SCHEDULE (B.)—Sect. 173.

FORM of RATE.

AN Assessment to the Sewer Rate [or, other Rate, &c., as the case may be], for the [name the District or Town] made this day of in the year of our Lord 18 , after the rate of pence in the Pound, by virtue of the [name Special Act].

No. on the Rate.	Name of Person rated.	Name of the Owner of Property rated.	Description and Situation of Property.	Gross Annual Value.	Full net Annual Value.	Rate at d. in the Pound.

Signed by us, this day of in the year of our Lord

A. B. C. D. E. F. G. H. I. K. L. M.	}	Improvement Commissioners.
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SCHEDULE

SCHEDULE (C.)—Sect. 194.

FORM of WARRANT of DISTRESS for the Recovery of a Rate.

County of } To the Improvement Commissioners
 [or, Borough, &c.] } and to their Collectors of Rates.
 to wit.

WHEREAS complaint hath been duly made by one of the
 collectors of rates to the Improvement Commissioners
 that of, &c., hath not paid and has refused to pay the sum of
 duly assessed upon him in and by a certain rate for the said town
 [or, district] called the [here name the rate], bearing date on about the
 day of in the year of our Lord 18 and duly made according
 to the directions and for the purposes of [here name the Special Act], although the same
 hath been duly demanded of him: And whereas it appears to me
 one of Her Majesty's Justices of the Peace in and for the said county [or, borough, &c.]
 as well upon the oath of one of the said collectors of
 rates, as otherwise, that the said sum of hath been
 duly demanded in writing by him from the said and
 that the said hath refused to pay the same for the space
 of Fourteen Days after such demand made; and doth refuse to pay the same: And whereas
 the said having appeared before me, in pursuance of my
 summons for that purpose, hath not shown to me any sufficient cause why the same
 should not be paid [or, And whereas it hath been duly proved to me upon oath, that the
 said hath been duly summoned to appear before me, to show
 cause why he refuseth to pay the said rate or assessment, but he the said
 hath neglected to appear according to the said summons, and hath not shown to me any
 sufficient cause why the same should not be paid:] These are, therefore, in Her Majesty's
 name, to command you to levy the said sum of by distress
 of the goods and chattels of the said and if the same shall not be paid
 within the space of days next after such distress by you taken, together with
 the reasonable charges of taking and keeping the same, that then you do sell the said goods
 and chattels by you distrained, and out of the money arising by such sale that you do
 detain the sum of and also your reasonable charges of taking, keeping
 and selling the said distress, rendering to him the said the overplus
 on demand; and if sufficient distress cannot be found of the goods and chattels of the said
 whereon to levy the said sum of that then you
 certify the same to me, together with this warrant, to the end that such further proceedings
 may be had therein as to the law doth appertain. Given under my hand and seal the
 day of in the year of our Lord 18

(L. S.)

Towns Improvement Clauses.

A

B I L L

For consolidating in one Act certain Provisions usually contained in Acts for Paving, Draining, Cleansing, Lighting, and Improving Towns.

*(Prepared and brought in by
Viscount Morpeth and Sir George Grey.)*

*Ordered, by The House of Commons, to be Printed,
18 March 1847.*

[Price 8d.]

201.

Under 12 oz.

TOWNS IMPROVEMENT CLAUSES BILL.

[AS AMENDED BY THE SELECT COMMITTEE.]

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Interpretations ; 2 and 3.
Form of citing the Act, or part of it ; 4, 5.
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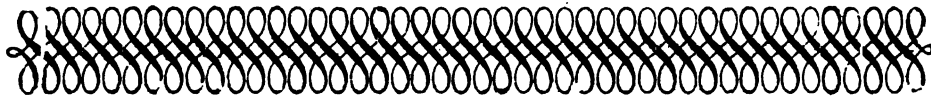
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Act may be amended this Session ; 218.

3 May 1847.—10 VICT.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For consolidating in one Act certain Provisions usually contained in Acts for Paving, Draining, Cleansing, Lighting, and Improving Towns.

[N. B.—*The Clauses marked (A.) to (V.) were added by the Select Committee.*]

W **H** **E** **R** **E** **A** **S** it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament for paving, draining, cleansing, lighting, and improving Towns and Populous Districts, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such Towns or Districts, as for ensuring greater uniformity in the provisions themselves ;

Preamble.

B **E** it **E** **n** **a** **c** **t** **e** **d**, by The **Q** **U** **E** **E** **N** **'** **s** most Excellent **M** **A** **J** **E** **S** **T** **Y**, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T** **H** **A** **T** this Act shall extend only to such Towns or Districts in England or Ireland as shall be comprised in any Act of Parliament hereafter to be passed, which shall declare that this Act shall be incorporated therewith ; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Town or District which shall be comprised in such Act, and to the Commissioners appointed for improving and regulating the same, so far as such clauses shall be applicable thereto respectively ; and shall with the clauses of every other Act which shall be incorporated therewith form part of such Act, and be construed therewith as forming one Act.

1.
Extent of Act.

A **N** **D** with respect to the construction of this Act, whether incorporated in whole or in part with any other Act, and of any Act incorporated therewith ; **B** **E** it **E** **n** **a** **c** **t** **e** **d**, as follows :

2.
Interpretations in this Act.

341.

A

The

- "The Special Act."** The expression "the Special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed for the improvement or regulation of any town or district, or of any class of towns or districts defined or comprised therein, and with which this Act shall be incorporated; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the Special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used; and the expression "the Commissioners" shall mean the Commissioners, Trustees, or other persons or Body Corporate entrusted by the Special Act with powers for executing the purposes thereof.
- 3. Interpretations in this and the Special Act:** The following words and expressions, in both this and the Special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say)
- Number.** Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:
- Gender.** Words importing the masculine gender shall include females:
- "Person."** The word "Person" shall include a corporation, whether aggregate or sole:
- "Lands."** The word "Lands" shall include messuages, lands, tenements and hereditaments of any tenure:
- "Street."** The word "Street" shall extend to and include any road, square, court, alley and thoroughfare, within the limits of the Special Act:
- "Month."** The word "Month" shall mean calendar month:
- "Superior Courts."** The expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster, and the Court of Pleas of the County of Durham:
- "Oath."** The word "Oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:
- "County."** The word "County" shall include riding or other division of a county having a separate commission of the peace, and shall also include county of a city or county of a town:

The

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and where any matter is authorized or required to be done by Two Justices, the expression "Two Justices" shall be understood to mean Two or more Justices met and acting together:

"Justice."

"Two Justices."

The expression "Quarter Sessions" shall mean quarter sessions as defined in the Special Act, and if such expression be not there defined, shall mean the court of general or quarter sessions of the peace which shall be held in or at the place nearest to the district in which the matter arises requiring the cognizance of any such court, and having jurisdiction over such district:

"Quarter Sessions."

The word "Owner," used with reference to any lands or buildings in respect of which any work is required to be done, or any rate to be paid under this or the Special Act, shall mean the person for the time being entitled to receive, or who, if such lands or buildings were let to a tenant, at rack-rent, would be entitled to receive, the rack-rent from the occupier thereof:

"Owner."

The word "Cattle" shall include horses, asses, mules, sheep, goats and swine,

"Cattle."

AND with respect to citing this Act, or any part thereof; BE it Enacted, as follows:

In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression "The Towns Improvement Clauses Act, 1847."

4.
Short Title
of the Act.

For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact, that the clauses so described, or that this Act with the exception of the clauses so described, shall be incorporated with such Act; and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

5.
Form in
which por-
tions of this
Act may be
incorporated
with other
Acts.

AND with respect to the Officers to be appointed by the Commissioners or under any General Town Improvement Act; BE it Enacted as follows:

Officers.

6.
Until In-
specter ap-
pointed under
some General
Act, Commis-
sioners may
proceed with-
out his ap-
proval.

When by this or the Special Act any matter is required to be sub-
mitted to, or to be done with the approval of the Inspector, such
Inspector shall be understood to mean an Inspector appointed under
any General Act passed in this or any future Session of Parliament,
authorizing the appointment of Inspectors for inspecting or super- 5
intending works connected with paving, draining or improving towns
or populous districts ; and until such an officer is appointed under
any such General Act, the Commissioners, unless it be otherwise
provided by the Special Act, may proceed in the execution of this
and the Special Act without the approval of such officer, and as if 10
no such officer had been mentioned in this or the Special Act.

7.
Commis-
sioners to ap-
point a Sur-
veyor.

The Commissioners shall appoint, subject to the prescribed ap-
proval, or, where no approval is prescribed, subject to approval by
One of Her Majesty's Principal Secretaries of State, a person duly
qualified, to act as a local surveyor of the paving, drainage and other 15
works authorized under the provisions of this and the Special Act,
and of any Act to be incorporated therewith, and with the like
approval shall fix the salary to be paid to such surveyor, and shall
pay such salary out of the rates levied under this or the Special Act ;
and if any such surveyor die, resign or be removed, the Com- 20
missioners shall, with the like approval, appoint another person so duly
qualified in the room of the surveyor so dying, resigning or removed ;
and the Commissioners with the like approval may remove any such
surveyor.

8.
Declaration
of Surveyor.

Every such surveyor upon his appointment, and before he enters 25
upon the duties of his office, shall make and subscribe before the
Chairman of the Commissioners, a declaration to the effect follow-
ing ; (that is to say)

"I, A. B., the surveyor of the town [or, district] of [here name
the town or district] under the [here name the Special Act], 30
do declare that I will diligently, faithfully and impartially per-
form the duties of my office, and to the utmost of my power,
skill and ability endeavour to cause the several provisions
of the said Act, and of the Town Improvement Clauses Act,
1847, to be strictly observed, and that without favour or affec- 35
tion, prejudice or malice to any person whomsoever."

9.
Inspector
of Nuisances.

The Commissioners shall appoint some person, by the title of
" Inspector of Nuisances," to superintend and enforce the due exe-
cution of all duties to be performed by the scavengers appointed
under this or the Special Act, and to report to the Commissioners 40
any breach of the provisions of this or the Special Act, or of any
Act incorporated therewith, or of the bye-laws, rules and regu-
lations

lations of the Commissioners, and the existence of any nuisances within the limits of the Special Act; and the Commissioners shall duly publish the name of any Inspector of Nuisances appointed by them, and shall require him to provide and keep a book in which shall

5 be entered all reasonable complaints made by any householder of the district within the limits of the Special Act, of any breach of the provisions of this or the Special Act, or of any Act incorporated therewith, or of the bye-laws, rules and regulations made by the Commissioners for the preservation of due order and cleanliness or for the

10 suppression of nuisances; and the Inspector of Nuisances shall forthwith inquire into the truth of such complaints, and report upon the same to the Commissioners, at their next meeting; and such report and the order of the Commissioners thereon shall be entered in the said book, which shall be kept at the office of the Commissioners,

15 and shall be open at all reasonable times to the inspection of any inhabitant of the said district or other person interested; and it shall be the duty of such Inspector of Nuisances, subject to the direction of the Commissioners, to make complaints before Justices, and take legal proceedings for the punishment of any person who has com-

20 mitted any offence under this or the Special Act, or under any bye-laws made by virtue thereof.

The Commissioners may, if they think fit, appoint the same person to be both Surveyor and Inspector of Nuisances.

10.
CLAUSE (A.)
Same person
may be
appointed
Surveyor and
Inspector of
Nuisances.

The Commissioners shall provide offices for the use of the said

25 surveyor and inspector in some convenient place within the limits of the Special Act, either in connexion with their own office or otherwise, as may be most convenient, and shall cause due notice thereof to be given Twice at the least in some newspaper circulating within the said limits.

11.
Commis-
sioners to pro-
vide office for
Surveyor.

30 The Commissioners may if they think fit appoint, subject to the prescribed approval, or where no approval is prescribed, subject to the approval of One of Her Majesty's Principal Secretaries of State, a person of competent skill and experience, who shall be styled "The Officer of Health," whose duty it shall be to ascertain the

35 existence of diseases within the limits of the Special Act, especially epidemics and contagious diseases, and to point out any nuisances or other local causes likely to cause and continue such diseases, or otherwise injure the health of the inhabitants, and to point out the best means for checking or preventing the spread of such diseases

40 within the limits aforesaid, and also the best means for the ventilation of churches, chapels, schools, registered lodging-houses, and other public buildings within the limits aforesaid, and from time to time as required by the Commissioners, to report to them upon the

12.
Officer of
Health.

matters aforesaid, and to perform any other duties of a like nature which may be required of him; and the Commissioners, with the same approval, which is necessary for the appointment of the Officer of Health, shall fix the salary to be paid to such officer, and shall pay such salary out of the rates to be levied under this or the Special Act; 5 and the Commissioners, with the like approval, may discontinue such office or remove any such Officer of Health.

Surveys and Plans.

AND with respect to plans of the district within the limits of the Special Act, and of the Works to be executed under the powers of this and the Special Act; BE it Enacted as follows : 10

13.
Commissioners to make a Map of the District within the Limits of the Special Act.

The Commissioners shall, as soon as conveniently may be after the passing of the Special Act, procure or cause to be made a survey and map of the district within the limits of the Special Act, on a scale of not less than Sixty inches to a mile, and shall cause to be marked thereon the course of all the existing sewers and drains belonging to them or under their care or management and, as far as can be ascertained, the lines of pipes or conduits for the collection and distribution of water, the course of the pipes for the distribution of gas, and such other works, with such other particulars as may be necessary in order to show the under-ground works within the said district, 15 and shall cause the said map to be from time to time corrected, and such additions to be made thereto as may show the sewers and drains for the time being belonging to the Commissioners, and such other pipes and under-ground works as aforesaid; and such map and plan, or a copy thereof, with the date expressed thereon of 25 the last time when it was so corrected, shall be kept in the office of the Commissioners, and shall be open at all seasonable hours to the inspection of the owners or occupiers of any lands within such district.

14.
Ordnance Surveys to be procured.

The principal officers of Her Majesty's Ordnance may if they think fit, on the application of the Commissioners, and at their 30 expense, furnish for the use of the said Commissioners one or more copies of any map of such district or any part thereof which shall have been made under the direction of the said Ordnance officers, or may cause a survey to be made of the said district on a scale of not less than Sixty inches to the mile by surveying officers appointed 35 by them, for such remuneration as shall previously be agreed upon between the said principal officers and the Commissioners.

15.
Level Lines to be marked on Map, and Bench marks to be made.

The Commissioners shall cause to be marked on the map so procured or caused to be made by them, a series of marks and figures at convenient distances on the said map, denoting the height of the ground at every such mark above or below the level of a particular spot within the limits of the Special Act, which may be easily found and 40

and identified, the position of which spot shall be described on the map ; and shall also cause to be drawn, wherever practicable, lines of equal altitude at every Four Feet of elevation, or at such other intervals as may appear, upon due inquiry, to be the best adapted for the guidance of works of sewerage and drainage, for the collection and distribution of water, and for other purposes within such district for which a knowledge of the levels of the district may be necessary ; and shall also cause proper bench marks for denoting the levels to be inscribed and marked at convenient distances and places, at the corners of streets, on posts, houses or other prominent objects within such district.

The Commissioners may cause every such plan to be copied, engraved, or printed and coloured, in such manner as appears to them most convenient, and may defray the costs of any surveys and maps made under their direction, and any costs incurred by them in regard to any such Ordnance map, out of the rates authorized to be levied under this and the Special Act.

16.
Commissioners may cause Maps to be engraved.

The Commissioners shall cause their Surveyor to prepare plans of any new works and additions to or alterations of existing works that may be required for the effectual drainage of the houses and streets within such district, including provision for properly trapped drains or channels for the removal of all waste water and refuse from the houses, and from the surface of the streets ; and also to draw on such plans the lines that appear to him most advantageous for main sewers and the best outfalls for clearing the whole district of surface moisture, and effecting the drainage of the subsoil ; and to point out the most appropriate means and sites for the collection and sale of filth and refuse for agricultural or other purposes ; and also to set forth any other matters which may assist the Commissioners in carrying into execution, in an economical and effective manner, the several works required to be carried into execution under the provisions of this and the Special Act, or which appear to be necessary for the health and convenience of the inhabitants of such district.

17.
Commissioners to prepare Plans of alterations of Sewers, &c.

Before giving notice of their intention to construct any work of which by this or the Special Act they are required to give notice, the Commissioners shall cause plans of the intended work to be made under the direction of their surveyor, on a scale not less, for a horizontal plan, than One Inch to Eighty-eight Feet ; and for a vertical section, not less than One Inch to Two Feet, and in the case of a sewer, showing the depth of such sewer below the surface of the ground ; and such plans shall be deposited in the office of the Commissioners, or some other convenient place appointed for that purpose, and

18.
Plans of certain Works to be prepared and deposited in the office of the Commissioners.

shall be open at all reasonable hours for the inspection of all persons interested therein during the time for which such notice is required to be given.

Lands.

AND with respect to taking Lands, and the compensation to be made by the Commissioners for damage done by them in execution of the powers of this and the Special Act ; BE it Enacted, as follows :

19.
The taking of
lands to be
subject to the
provisions of
this Act and
the Lands
Clauses Con-
solidation
Act.

Where by this or the Special Act the Commissioners shall be empowered to take or use for the purposes thereof any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the powers so given, be subject to the provisions and restrictions contained in this Act, and in the Lands Clauses Consolidation Act, 1845 ; and the Commissioners shall make to the owners and occupiers of and all other parties interested in any such Lands taken or used for the purposes of this or the Special Act, full compensation for the value of the Lands so taken or used, and for all damage sustained by such owners, occupiers and other parties by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this or the Special Act, or any Act incorporated therewith ; and except where otherwise provided by this or the Special Act, the amount of such compensation shall be determined in the manner provided by the said Lands Clauses Consolidation Act, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof ; and all the provisions of the last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

20.
Errors and
omissions in
Plans to be
corrected.

If any omission, mis-statement or wrong description shall have been made of any Lands, or of the owners, lessees or occupiers of any Lands mentioned in any Schedule to the Special Act, the Commissioners, after giving Ten Days' notice to the owners, lessees and occupiers of the Lands affected by such proposed correction, may apply to Two Justices for the correction thereof ; and if it appear to such Justices that such omission, mis-statement or wrong description arose from mistake, they shall certify the same accordingly ; and they shall, in such certificate, state the particulars of any such omission, mis-statement or wrong description ; and such certificate, with the other documents to which it relates, shall be deposited with the Clerk of the Peace of the county in which the Lands affected thereby are situated, and such certificate shall be kept by such Clerk of the Peace, with the other documents to which it relates ; and thereupon such schedule shall be deemed to be corrected according to such certificate ; and the Commissioners may take any Lands

in

in accordance with such certificate, as if such omission, mis-statement or wrong description had not been made.

Lands.
—

21. Commission-
ers to make
compensation
for damage
done.
- 5 The Commissioners shall make good all damage to any buildings or land, by reason of altering the level of any street, or otherwise carrying into execution any of the powers of this or the Special Act, or of any Act incorporated therewith, and shall pay to the owners, lessees and occupiers of any such buildings or lands respectively, such amount of compensation for such injury as shall be agreed upon between such owners, lessees and occupiers and the
10 Commissioners; and if such owners, lessees and occupiers and the Commissioners cannot agree as to the amount of such compensation, and the proportions thereof to be paid to such owners, lessees and occupiers respectively, then the amount of such compensation, and also the proportions which the persons claiming the same are entitled
15 to, shall be determined in the manner provided by the Lands Clauses Consolidation Act, 1845, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforce
20 payment or other satisfaction thereof.

AND with respect to making and maintaining the Public Sewers :
BE it Enacted as follows :

Sewers.
—

22. Sewers and
other Works
vested in the
Commis-
sioners.
- 25 All public sewers and drains within the limits of the Special Act, and all sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time of the passing of the Special Act, or at any time thereafter, and whether made at the cost of the Commissioners or otherwise, and the entire management of the same, shall vest in and belong to the Commissioners.

23. CLAUSE (B.)
Drainage
districts to be
formed.
- 30 The Commissioners shall from time to time, subject to the approval of the Inspector, divide the whole town or district within the limits of the Special Act, if and as occasion shall require, into separate drainage districts, having regard in such division to the nature of the ground, to the main lines of sewers by which such separate drain-
35 age districts are or shall be drained, and to the equal benefit as far as may be of all the lands and buildings to be comprised in any such drainage district, and shall cause their Surveyor to define and describe the several drainage districts on a plan of the town or district within the limits of the Special Act, to be made as aforesaid.

The Commissioners shall from time to time, subject to the restrictions herein contained as to the notice to be given, and the

24.

Commission-
ers to make
Sewers where
none exist.

341.

B

plans

plans and estimates to be prepared, cause to be made under the streets, such main and other sewers as shall be necessary for the effectual draining of the town or district within the limits of the Special Act, and also all such reservoirs, sluices, engines and other works as shall be necessary for cleansing such sewers, and, if needful, they may carry such sewers through and across all under-ground cellars and vaults under any of the streets, doing as little damage as may be, and making full compensation for any damage done, and if, for completing any of the aforesaid works, it be found necessary to carry them into or through any inclosed or other lands, the Commissioners may carry the same into or through such lands accordingly, making full compensation to the owners and occupiers thereof, and they may also cause such sewers to communicate with and empty themselves into the sea or any public river, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance.

25.
Commissioners may
alter Sewers.

The Commissioners may from time to time as they see fit, enlarge, alter and improve all or any of the sewers vested in them, and if any of such sewers at any time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such sewer, provided that it be so done as not to create a nuisance.

26.
Commissioners not to
destroy
Drains with-
out providing
others.

If any person, by means of any enlargement, alteration or discontinuance of any sewer or other proceeding of the Commissioners be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Commissioners shall provide some other sewer or drain equally effectual for such purpose ; and if the Commissioners refuse, or do not within Seven Days next after notice in writing served upon them, begin and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the Commissioners, or to provide such other sewer or drain as aforesaid, they shall forfeit to the person aggrieved any sum not exceeding Forty Shillings for every day after the expiration of such Seven Days during which he is deprived of the use of the drain or sewer to which he was so entitled, and is not provided with such other drain or sewer as aforesaid.

27.
Commissioners to
cause estimates to be
prepared and
submitted to
the Inspector.

Before entering into any contract for executing any such work as aforesaid, the Commissioners shall procure from their surveyor an estimate of the probable expense of constructing the same in a substantial

substantial manner, and of the yearly expense of maintaining the same in repair, and each surveyor shall accompany such estimate with a report as to the most advantageous mode of constructing such work, whether under a contract for constructing the same merely, or
 5 a contract for constructing the same and maintaining it in repair during a given term of years; and the Commissioners shall submit the plan and estimate of every such work, together with the report of their surveyor, to the Inspector, who shall make in writing such observations or suggestions thereupon as may seem to him to be expedient,
 10 and if the Commissioners do not regard or do not act in conformity with such observations or suggestions, they shall enter upon the minutes of their proceedings their reasons for not so doing.

The expense of making any new sewer shall be defrayed as hereinafter provided by special sewer rates to be levied on the occupiers of
 15 all lands and buildings within the drainage district in which such sewer is situated: Provided always, That where, in the judgment of the Commissioners, and by allowance of the Inspector, any lands or buildings were sufficiently drained before the making of such new sewer, the occupiers thereof shall be entitled to have such deduction
 20 made from the special sewer rates to which they would otherwise be liable in respect of the making of such new sewer, and for such time as the Commissioners, with the approval of the Inspector, shall deem to be just, having regard to the cost of making such new sewer, and to the value and efficiency of such old sewer; and whenever any old sewer
 25 is enlarged, or open sewer closed, the expense of such enlargement, or of closing such open sewer, shall be defrayed in like manner as if it had been incurred in making a new sewer.

28.
 CLAUSE (C.)
 Expense of
 making new
 Sewers.

The expense of maintaining and cleaning all sewers vested in the Commissioners, and all other expenses connected with such sewers
 30 not hereinbefore provided for, or which may not be fully defrayed by the special sewer rates, shall be defrayed by general sewer rates to be levied as hereinafter provided on the occupiers of all lands and buildings within the drainage district in which such sewers are severally situated.

29.
 (CLAUSE (D.)
 Expense of
 maintaining
 Sewers, &c.

Every person not being employed for that purpose by the Commissioners, who shall make any drain into any of the sewers or drains so vested in the Commissioners, shall forfeit to the Commissioners a sum not exceeding Five Pounds; and the Commissioners may cause such branch drain to be re-made as they think fit; and all
 35 the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Commissioners as damages.
 40

30.
 Penalty for
 making unau-
 thorized
 Drains.

31.
Vaults and
Cellars under
Streets not to
be made with-
out the con-
sent of the
Commission-
ers.

No building shall be erected over any sewer belonging to the Commissioners, and no vault, arch or cellar shall be made under the carriage-way of any street without the consent of the Commissioners first obtained in writing, and all such vaults, arches and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Commissioners; and if after the passing of the special Act any building be erected, or any vault, arch or cellar be made contrary to the provisions herein contained, the Commissioners may demolish or fill up the same, and the expenses incurred thereby shall be paid by the person erecting such building or making such vault, arch or cellar and shall be recoverable as damages. 5 10

32.
Streets may
be stopped for
repairs.

The Commissioners may stop any street, and prevent all persons from passing along and using the same for a reasonable time during the construction, alteration, repair or demolition of any sewer or drain in or under such street. 15

33.
Gully-holes,
&c., to be
trapped.

All sewers and drains within the limits of the Special Act, whether public or private, shall be provided by the Commissioners or other persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench. 20

34
Sewers may
be used by
Owners and
Occupiers of
Land beyond
limits of
Town or
District.

Any person, being the owner or occupier of any lands beyond the limits of the Special Act, and in respect of which he would not be liable to the payment of the rates authorized to be levied under this and the Special Act, may, with the consent of the Commissioners first obtained in writing, upon payment to them of a reasonable sum of money to be agreed upon between them, at his own expense, and under the superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the sewers belonging to the Commissioners, any sewer or drain in respect of the said property which may be lawfully made therefrom, of such size and in such manner and form of communication as the Commissioners approve of: Provided always, That nothing in this or the Special Act contained shall affect any right theretofore acquired by such owner or occupier to use any of the sewers or drains belonging to the Commissioners under the provisions of this or the Special Act. 25 30 35

House
Drains.

AND with respect to the Drainage of Houses; BE it Enacted, as follows :

35.
Commission-
ers empow-
ered to
construct
Drains.

If any house or building within the limits of the Special Act, be at any time not drained by a sufficient drain or pipe communicating with some sewer, or with the sea or some public river, to the satisfaction of the Commissioners, and if there shall be such means of drainage within One hundred Feet of any part of such house 40

house or building, the Commissioners shall construct or lay from such house or building a covered drain or pipe, of such materials, of such size, at such level, and with such fall as they think necessary for the drainage of such house or building, its areas, water-closets, privies and offices; provided that the cost of executing such work shall not, without the written consent of the owner, exceed One Years' rack-rent of such house or building; and the expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the owner or occupier, shall be defrayed by the drainage rates hereinafter mentioned.

No house or building within the limits of the Special Act shall be built upon a lower level than will allow of the drainage of the wash and refuse of such house or building into some sewer belonging to the Commissioners, either then existing, or marked out upon the map hereinbefore directed to be made by them, or into the sea, or some public river into which the Commissioners are empowered to empty their sewers; and if such intended house or building, the Commissioners shall cause a drain leading thereunto from the intended site of such house to be made of such materials, of such size, at such level, and with such fall as they think fit; or if there be no such means of drainage within One hundred Feet of any part of the said intended site of such house or building, then such drain shall be made so as to lead into such covered cesspool or other place as the Commissioners direct, not being under any dwelling-house, and constructed to the satisfaction of the Commissioners so as effectually to prevent the escape of the contents thereof, until such sewer as aforesaid is made by the Commissioners, when they shall make a drain to communicate with such new made sewer, and shall demolish and fill up any such cesspool.

Whenever any house is rebuilt within the limits of the Special Act, the level of the cellar or other lowest floor of such house shall be raised sufficiently to allow of the construction of such a drain as is hereinbefore provided in the case of houses to be built after the passing of the Special Act; and whenever any house is taken down as low as the floor of the first story for the purpose of being built up again, such building shall be deemed a rebuilding within the meaning of this Act.

Before beginning to build any new house or to rebuild any existing house, within the limits of the Special Act, the person intending to build or rebuild such house shall give to the Commissioners in writing notice thereof, and shall accompany such notice with a plan showing the level at which the foundation of such house is proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

36.
No house to
be built with-
out drains.

37.
Houses re-
built to be on
proper level.

38.
Notice of
Buildings and
their level to
be given to
the Commis-
sioners.

39.
 CLAUSE (E.)
 Commis-
 sioners may
 signify disap-
 proval within
 Fourteen
 Days.

Within Fourteen Days after receiving such notice, the Commis-
 sioners may signify their disapproval of the level at which it is
 proposed to lay the foundation of any such house, and in case of
 such disapproval, may within the said Fourteen Days fix the level
 at which the same is to be laid, subject to such right of appeal as 5
 is hereinafter mentioned.

40.
 CLAUSE (F.)
 Houses built
 without
 notice, or
 contrary to
 directions
 may be
 altered, &c.

In default of sending such notice and plan, or if such building
 be begun or made at any level different from that fixed by the
 Commissioners within the said Fourteen Days, or determined on
 appeal as after mentioned, or in any other respect contrary to the 10
 provisions of this or the Special Act, the Commissioners may, if
 necessary, cause such building to be altered or demolished, as the
 case requires, and the expense incurred by the Commissioners in
 respect thereof shall be repaid to them by the person failing to comply
 with the provision aforesaid, and shall be recoverable as damages. 15

41.
 CLAUSE (G.)
 If Commis-
 sioners fail to
 signify their
 determination
 within Four-
 teen Days,
 parties may
 proceed.

Provided always, That if the Commissioners fail to signify in
 writing their approval or disapproval of the level shown on such
 plan as aforesaid within Fourteen Days after receiving such notice
 and plan as aforesaid, the person giving such notice may, notwith-
 standing any thing hereinbefore contained, proceed to build or 20
 rebuild the house therein referred to, according to the level shown
 on such plan, provided that such building or rebuilding be other-
 wise in accordance with the provisions of this and the Special Act.

42.
 Commission-
 ers may re-
 quire owners
 of Houses to
 provide Privy
 and Ash-pit
 for the same.

The Commissioners shall require the owner of every house within
 the said limits, to which no sufficient privy and ash-pit, with proper 25
 door and coverings, is attached, to provide where it appears to them
 that there is room enough for the purpose, such privy and ash-pit
 in such situation, not disturbing any building then already erected,
 as the Commissioners deem necessary for the use of the inmates and
 occupiers thereof; and every such privy and ash-pit shall be con- 30
 structed to the satisfaction of the Commissioners, so as effectually to
 prevent the escape of the contents thereof; provided always, that
 where a privy and ash-pit is used in common by the inmates and
 occupiers of two or more such houses, the Commissioners may, if
 they think fit, dispense with the provision of a privy and ash-pit for 35
 each such house.

43.
 Penalty for
 default.

The owner of any such house shall provide the same with a privy,
 with such door and covering to the same, and with such ash-pit as
 aforesaid to the satisfaction of the Commissioners, within One
 Month next after notice in writing for that purpose given by the 40
 Commissioners to him or to the occupier of such house, and in
 default thereof the Commissioners shall cause such privy and ash-
 pit

pit to be provided, so, nevertheless, that the cost of executing such work shall not, without the written consent of the owner, exceed One Year's rack-rent of such house or building; and the expense incurred thereby shall be defrayed by the drainage rates hereinafter mentioned.

5

All branch drains as well within as without the lands or buildings to which they belong, and all privies, ash-pits and cesspools within the limits of the Special Act, shall be under the survey and control of the Commissioners, and shall be altered, repaired and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner and occupier of any land or buildings to which any such drain, privy, ash-pit or cesspool belongs, neglect, during Fourteen Days after notice in writing for that purpose, to alter, repair and to put the same into good order, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, ash-pit or cesspool to be altered, repaired, covered and put in good order; and the expense incurred by the Commissioners in respect thereof shall be repaid to them by the owners by whom the same ought to have been done, and shall be recoverable as damages.

10

15

20

44.
Drains, Pri-
vies and Cess-
pools to be
kept in good
order by
Owners.

The surveyor of the Commissioners may inspect any drain, privy, ash-pit or cesspool within the limits of the Special Act, and for that purpose, at all reasonable times in the day-time, after Twenty-four Hours' notice in writing to the occupier of the premises to which such drain, privy, ash-pit or cesspool is attached, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where he thinks fit, doing as little damage as may be; and if such drain, privy, ash-pit or cesspool be found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing and making good such drain, privy, ash-pit or cesspool shall, in that case, be defrayed by the Commissioners.

25

30

45.
Inspection of
Drains, Pri-
vies and Cess-
pools.

If any such drain, privy or cesspool be on inspection found to have been constructed, after the passing of the Special Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this or the Special Act, or if any person, without the consent of the Commissioners, construct, rebuild, or unstop, any drain, privy, or cesspool which has been ordered by them to be demolished or stopped up or not to be made, every person so doing shall be liable to a penalty not exceeding Five Pounds; and the Commissioners may cause such amendment or alteration to be made in any such drain, privy or

40

46.
Penalty on
persons mak-
ing or alter-
ing Drains,
&c., contrary
to the orders
of the Com-
missioners.

cesspool as they think fit, and the expense attending any such amendment or alteration shall be paid by the person by whom such sewer was improperly constructed, rebuilt or altered, and shall be recoverable from him as damages.

Paving.

AND with respect to paving and maintaining the Streets; BE 5
it Enacted, as follows :

47.
Streets vested
in the Com-
missioners.

The management of all the streets which at the passing of the Special Act are, or which thereafter become public highways, and the pavements and other materials, as well in the footways as carriage-ways of such streets, and all buildings, materials, 10
implements and other things provided for the purposes of the said highways by the Surveyors of Highways, or by the Commissioners, shall belong to the Commissioners.

48.
Commission-
ers to be Sur-
veyors of
Highways.

The Commissioners, and none other, shall be the Surveyors of all highways within the limits of the Special Act, and within those limits 15
shall have all such powers and authorities, and be subject to all shall liabilities, as any surveyors of highways are invested with or subject to by virtue of the laws for the time being in force, and the inhabitants of the district within the said limits shall not be liable to the payment of any highway rate in respect of the roads within the 20
said district.

49.
Commission-
ers liable to
indictment
for want of
repairs.

The Commissioners shall be deemed guilty of a misdemeanor for refusing or neglecting to repair any public highway within the limits of the Special Act, and shall be liable to be indicted for such 25
misdemeanor in the same manner as the inhabitants thereof, or of any Parish, Township or other district therein, were liable before the passing of the Special Act.

50.
Road Trus-
tees not to
collect Tolls.

The trustees of any turnpike road shall not collect any toll on any road within the limits of the Special Act, or lay out any 30
money thereon.

51.
Power for the
Commission-
ers to pave
public Streets.

The Commissioners may from time to time cause all or any of the streets under their management, or any part thereof respec- 35
tively, to be paved, flagged or otherwise made good, and the ground or soil thereof to be raised, lowered or altered, in such manner and with such materials as they think fit; and they may also pave or make, with such materials as they think fit, any footways for the use of passengers in any such street, and cause such streets and footways to be repaired from time to time.

52.
Commission-
ers may place
Fences to
Footways.

The Commissioners shall from time to time place such fences and posts on the side of the footways of the streets under their 40
management, as may be needed for the protection of passengers
on

on such footways, and they may place posts in the carriage-ways of such streets, so as to make the crossing thereof less dangerous for foot-passengers; and they shall from time to time repair any such fences or posts, or remove the same or any obstructions to any
 5 such carriage-way or footway as they think fit.

If any street, although a public highway at the passing of the Special Act, have not theretofore been well and sufficiently paved and flagged, or otherwise made good, the Commissioners may cause
 10 such street or the parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good, in such manner as they think fit, and the expenses incurred by the Commissioners in respect thereof shall be repaid to them by the occupiers of the lands abutting on such street or such parts thereof
 15 as have not been theretofore well and sufficiently paved and flagged, or otherwise made good, and such expenses shall be recoverable from such occupiers respectively as hereinafter provided with respect to private improvement expenses, and thereafter such street shall be repaired by the Commissioners out of the rates levied under this or the Special Act.

20 If any street, not being a public highway at the passing of the Special Act, be then or thereafter paved, flagged or otherwise made good, to the satisfaction of the Commissioners, then on the application of the greater part in value of the occupiers of the houses and lands in such street, the Commissioners shall by writing under their com-
 25 mon seal, if they be incorporated, or if they be not incorporated, then under the hands of Five of the Commissioners, declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall be thereafter repaired by the Commissioners out of the rates levied under this and the Special Act; and
 30 such declaration shall be entered among the proceedings of the Commissioners, and notice of such declaration shall be put up in some conspicuous place in or near such street.

If any street, not being a public highway at the passing of the Special Act, be thereafter to the extent of Two-third parts thereof
 35 paved and flagged or otherwise made good to the satisfaction of the Commissioners, then, on the application of the owners of the lands abutting on such parts of the said street as have been so made good, the Commissioners may require the owners of the buildings or lands abutting on the remainder of the said street to pave and flag
 40 or otherwise make good to the satisfaction of the Commissioners such remainder of the said street, or such parts thereof as front such last-mentioned buildings and lands, within a reasonable time, to be fixed by the Commissioners; and if such remainder of the

341.

C

said

53.
 Where public Streets have not heretofore been paved, Commissioners may cause them to be paved at the expense of the occupiers of adjoining lands.

54.
 Future Streets may be declared Highways.

55.
 CLAUSE (H.)
 Commissioners, upon completion of Two-thirds of any Street, may, upon application, require remaining One-third to be completed

Paving.

said street or any such part thereof as aforesaid be not made good as aforesaid, within the time so fixed, the Commissioners may cause the part not so made good to be made good, and the expenses which shall be incurred by the Commissioners in respect thereof shall be repaid to them by the owners by whom such paving ought to have been done respectively ; and such expenses shall be recoverable from such owners as hereinafter provided with respect to private improvement expenses ; and when the whole of the said street is paved and made good to the satisfaction of the Commissioners, they shall, by writing under their common seal, if they be incorporated, or if they be not incorporated, then under the hands of Five of the Commissioners, declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall for ever afterwards be repaired by the Commissioners, and such declaration shall be entered among the proceedings of the Commissioners.

56.

Penalty on persons altering Pavements without the consent of the Commissioners.

Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags or other materials of any street under the management of the Commissioners, without their consent in writing, or without other lawful authority, shall be liable to a penalty not exceeding Five Pounds ; and also a further sum not exceeding Five Shillings for every square foot of the pavement, flags or other materials of the street exceeding One square Foot so displaced, taken up or altered.

New Streets.

AND with respect to laying out new Streets ; BE it Enacted as follows :

57.

Notice of intention to lay out street to be given to the Commissioners.

Every person who intends to make or lay out any new street, shall give notice thereof to the Commissioners, in order that the level of such street may be fixed by the Commissioners.

58.

Levels to be fixed by the Surveyor to the Commissioners.

The level of every new street shall be fixed under the direction of the Surveyor of the Commissioners, subject to such right of appeal as hereafter mentioned, and the level so fixed, if not altered on appeal, shall be kept thereafter by every person raising any house or other building in such street.

59.

If the Commissioners fail to fix the level, the party may proceed.

If the Commissioners do not fix such level within Six Weeks from the time of the delivery of such notice as aforesaid, unless the fixing of such level be delayed by the appeal hereinafter provided, the person giving such notice may proceed to lay out the street at any level which will allow of compliance with the other provisions of this and the Special Act, as if such level had been fixed by the Commissioners, and in such case every change of the level which

which the Commissioners afterwards deem requisite, and the works consequent thereon, shall be made by the Commissioners, and the expense thereof, and any damage which any person sustains in consequence of such alteration, shall be defrayed by them.

- 5 Every person who makes or lays out any such new street as aforesaid, without causing such notice to be given to the Commissioners as aforesaid, shall be liable to defray all the expenses consequent upon any change of the level of the said street deemed requisite by the Commissioners, and every person who in building
10 any house or other building in such street, does not keep the level fixed by the Commissioners, shall be liable to defray all the expenses consequent upon any change of the level of that part of the street on which such house or building abuts, which the Commissioners deem requisite.

60.
Persons laying out streets without notice to be liable to the expenses of subsequent alterations of levels.

- 15 For the purposes of this or the Special Act, if the Commissioners deem it necessary to raise, sink or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any of the streets, they may from time to time, by notice in writing, require the person to whom any such pipes or works belong, to cause
20 forthwith, as soon as conveniently may be, any such pipes or works to be raised, sunk or otherwise altered in position, in such manner as the Commissioners direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses
25 attending such raising, sinking or altering, and full compensation for every damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong as to all other persons.

61.
Situation of Gas and Water Pipes to be altered at the expense of the Commissioners.

- If the person to whom any such pipes or works belong do not
30 proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk or altered, in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk or altered, as they think fit; provided that such works be not permanently
35 injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

62.
CLAUSE (I.)
In default of the Gas or Water Company, the Commissioners may make the alteration.

It shall not be lawful to make or lay out any new street unless the same be of the prescribed width, or where no width is prescribed, unless the same, being a carriage-road, be at least Thirty Feet wide, or not being a carriage-road, be at least Twenty Feet wide.

63.
Width of new Streets.

Naming Streets.

64.

Houses to be numbered and Streets named.

AND with respect to naming the Streets and numbering the Houses ; BE it Enacted, as follows :

The Commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, and shall cause to be put up or painted on a conspicuous part of some house, building or place at or near each end, corner or entrance of every such street, the name by which such street is to be known ; and every person who destroys, pulls down or defaces any such number or name, or puts up any number or name different from the number or name put up by the Commissioners, shall be liable to a penalty not exceeding Forty Shillings for every such offence. 5 10

65.

Number of Houses to be renewed by Occupiers.

The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the Commissioners approve of, and shall renew such numbers as often as they become obliterated or defaced ; and every such occupier who fails, within One Week after notice for that purpose from the Commissioners, to mark his house with a number approved of by the Commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding Forty Shillings ; and the Commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages. 15 20

Improving Streets.

66.

Houses may be set forward.

AND with respect to improving the Line of the Streets, and removing obstructions ; BE it Enacted, as follows : 25

The Commissioners may allow, upon such terms as they think fit, any building within the limits of the Special Act to be set forward for improving the line of the street in which such building or any building adjacent thereto is situated.

67.

Commissioners may purchase Houses or Ground for effecting additional Improvements.

The Commissioners may agree with the owners of any lands within the limits of the Special Act for the absolute purchase thereof, for the purpose of widening, enlarging or otherwise improving any of the streets, and they shall re-sell any parts of the land so purchased which shall not be wanted for the enlargement of the street. 30 35

68.

Projecting Houses, when taken down, to be set back.

When any house or building, any part of which projects beyond the regular line of the street, or beyond the front of the house or building on either side thereof, has been taken down in order to be rebuilt or altered, the Commissioners may require the same to be set backwards to or toward the line of the street, or the line of the adjoining houses or buildings, in such manner as the Commissioners direct, for the improvement of such street : Provided always, That the Commissioners shall make full compensation 40

sation to the owner of any such house or building for any damage he thereby sustains.

The Commissioners may give notice to the occupier of any house or building to remove or alter any porch, shed, projecting window, step, cellar, cellar-door or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate or fence, or any other obstruction or projection, erected or placed, after the passing of the Special Act, against or in front of any house or building within the limits of the Special Act, and which is an obstruction to the safe and convenient passage along any street ; and such occupier shall, within Fourteen Days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a penalty not exceeding Forty Shillings ; and the Commissioners in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages : Provided always, That, except in the case in which such obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

69.
Future Projections to be removed on notice.

If any such obstructions or projections were erected or placed against or in front of any house or building in any such street before the passing of the Special Act, the Commissioners may cause the same to be removed or altered as they think fit : Provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such obstruction or projection shall be, Thirty Days before such alteration or removal is begun, and make reasonable compensation to every person who suffers damage by such removal or alteration.

70.
Existing Projections to be removed and compensation made.

All doors, gates and bars put up after the passing of the Special Act, within the limits thereof, and which open upon any street, shall be hung or placed so as not to open outwards, except, when in the case of public buildings, the Commissioners allow such doors, gates or bars to be otherwise hung or placed, and if, except as aforesaid, any such door, gate or bar be hung or placed so as to open outwards on any street, the occupier of such house, building, yard or land, shall within Eight Days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglect so to do, the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him as damages, and he shall, in addition, be liable to a penalty not exceeding Forty Shillings.

71.
Doors in future to be made to open inwards.

72.

Doors open-
ing outwards
to be altered
by Commis-
sioners.

If any such door, gate or bar was, before the passing of the Special Act, hung so as to open outwards upon any street, the Commissioners may alter the same, so that no part thereof, when open, shall project over any public way.

73.

Coverings for
Cellar Doors
to be made.

When any opening is made in any pavement or footpath within the limits of the Special Act, as an entrance into any vault or cellar, a door or covering shall be made by the occupier of such vault or cellar, of iron, or such other materials, and in such manner as the Commissioners direct, and such door or covering shall from time to time be kept in good repair by the occupier of such vault or cellar, and if such occupier do not within a reasonable time make such door or covering, or if he make any such door or covering contrary to the directions of the Commissioners, or if he do not keep the same when properly made in good repair, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

74.

Waterspouts
to be affixed.

The occupier of every house or building in, adjoining or near to any street shall, within Seven Days next after service of an order of the Commissioners for that purpose, put up, and keep in good condition, a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house or with a pipe or trunk to be fixed to the front or side of such building, from the roof to the ground, to carry the water from the roof thereof, in such manner that the water from such house or any portico or projection therefrom shall not fall upon the persons passing along the street, or flow over the footpath, and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty not exceeding Forty Shillings for every day that he shall so make default.

*Ruinous or
Dangerous
Buildings.*

AND with respect to ruinous or dangerous Buildings; BE it Enacted, as follows :

75.

Ruinous or
dangerous
Buildings to
be taken
down or
secured.

If any building or wall, or any thing affixed thereon, within the limits of the Special Act, be deemed by the Surveyor of the Commissioners to be in a ruinous state and dangerous to passengers or to the occupiers of the neighbouring buildings, such Surveyor shall immediately cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such building or wall, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, secure or repair such building, wall or other thing

thing as the case shall require, and if such owner or occupier do not begin to repair, take down or secure such building, wall or other thing, within the space of Three Days after any such notice has been so given or put up as aforesaid, and complete such repairs, or taking down or securing, as speedily as the nature of the case will admit, the said Surveyor may make complaint thereof before Two Justices, and it shall be lawful for such Justices to order the owner, or in his default the occupier (if any) of such building, wall or other thing, to take down, rebuild, repair or otherwise secure, to the satisfaction of such Surveyor, the same or such part thereof as appears to them to be in a dangerous state, within a time to be fixed by such Justices, and in case the same be not taken down, repaired, rebuilt or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Commissioners shall with all convenient speed cause all or so much of such building, wall or other thing as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall or other thing, shall be paid by the owner thereof.

If such owner can be found within the limits of the Special Act, and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress, and any Justice may issue his warrant accordingly.

76.
The Expense
to be levied
by distress on
the Owner.

If such owner cannot be found within the said limits, or sufficient distress of his goods and chattels within the said limits cannot be made, the Commissioners, after giving Twenty-eight Days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, may take such building or land, provided that such expenses be not paid or tendered to them within the said Twenty-eight Days, making compensation to the owner of such building or land in the manner provided by the Lands Clauses Consolidation Act, 1845, in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and the Commissioners shall be entitled to deduct out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of the said building or land for the purposes of this Act.

77.
If Owner cannot be found,
Commissioners may take
the House or
Ground.

If any such house or building as aforesaid, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much

78.
Commissioners may sell
the Materials.

of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Commissioners shall restore any over-plus arising from such sale to the owner of such house or building, on demand; nevertheless, the Commissioners, although they 5-
sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses. 10-

*Precautions
during
Repairs.*

AND with respect to precautions during the construction and repair of the Sewers, Streets and Houses; BE it Enacted, as follows:

79.
Bars to be
erected across
Streets while
repairs or
alterations
are making,
and lights
placed at
night.

The Commissioners shall, during the construction or repair of any of the streets vested in them, and during the construction or repair of any sewers or drains, take proper precaution for guarding against 15-
accident by shoring up and protecting the adjoining houses, and shall cause such bars or chains to be fixed across or in any of the streets to prevent the passage of carriages and horses while such works are carried on, as to them shall seem proper; and the Commissioners shall cause any sewer or drain or other works, during the construction 20-
or repair thereof by them, to be lighted and guarded during the night, so as to prevent accidents; and every person who takes down, alters or removes any of the said bars or chains, or extinguishes any light, without the authority or consent of the Commissioners, shall for every such offence be liable to a penalty not exceeding Five Pounds. 25-

80.
Hoards to be
set up during
repairs.

Every person intending to build or take down any building within the limits of the Special Act, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street or footway will be obstructed or rendered inconvenient by means of such work, 30-
shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on, from the street, with a convenient platform and handrail, if there be room enough, to serve as a footway for passengers outside of such hoard or fence, and shall 35-
continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires; and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted 40-
during the night; and every such person who fails to put up such fence or hoard or platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid

aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who does not remove the same when directed by the Commissioners within a reasonable time afterwards, shall for every
 5 such offence be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Forty Shillings for every day while such default is continued.

When any building materials, rubbish or other things are laid, or any hole made in any of the streets, whether the same be done
 10 by order of the Commissioners or not, the person causing such materials or other things to be so laid, or such hole to be made, shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every
 15 night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the
 20 hole filled up or otherwise made secure; and every such person who fails so to light, fence or inclose such materials or other things, or such hole, shall, for every such offence, be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding Forty Shillings for every day while such default is continued.

81.
Penalty for
not lighting
Deposits of
Building Ma-
terials or Ex-
cavations.

In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under
 25 a penalty not exceeding Five Pounds, to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made, and a further penalty not exceeding Forty Shillings for every day during which such offence is continued after the conviction for such offence; and in any such case the proof
 30 that the time has not exceeded the necessary time, shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

82.
Penalty for
continuing
deposits of
Building Ma-
terials or ex-
cavations an
unreasonable
time.

If any building or hole, or any other place near any street, be for want of sufficient repair, protection or inclosure, dangerous to
 35 the passengers along such street, the Commissioners shall cause the same to be repaired, protected or inclosed, so as to prevent danger therefrom; and the expenses of such repair, protection or inclosure shall be repaid to the Commissioners by the owner of the premises so repaired, protected or inclosed, and shall be recoverable from him as damages.

83.
Dangerous
places to be
repaired or
inclosed.

**Objections
to Works.**

AND with respect to objections to the works to be constructed by or subject to the approval of the Commissioners ; BE it Enacted as follows :

**84.
Commis-
sioners to give
notice of new
Levels or
Sewers.**

Twenty-eight Days at the least before fixing the level of any street which has not become a public highway, or any street which has not been theretofore levelled and paved, and before making any sewer where none was before, or altering the course of or abandoning or stopping any sewer, the Commissioners shall give notice of their intention by posting a printed or written notice in a conspicuous place at each end of every such street through or in which such work is to be undertaken, which notice shall set forth the name or situation of the street intended to be levelled or paved, and the names of the places through or near which it is intended that the new sewer shall pass or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and shall refer to plans of such intended work, and shall specify a place and time when and where all persons interested in such intended work may be heard thereupon ; and they shall at the same time give to the Inspector notice of the said intended work, and of the time and place appointed for hearing objections thereto.

**85.
Meeting of
Commis-
sioners to hear
objections in
the presence
of the In-
spector.**

The Commissioners shall meet at the time and place mentioned in the said notice, to consider, in the presence of the Inspector, or of the Surveyor of the Commissioners, any objections made against such intended work, and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard before the Commissioners at such meeting, and thereupon the Commissioners may, with the concurrence of the Inspector, or if no Inspector have been appointed, then with the concurrence of their Surveyor, abandon or make such alterations in the said intended work as they shall judge fit, and no such work, to which any objection is made at such meeting, shall be executed unless the Inspector, or if no Inspector have been appointed, then unless the Surveyor of the Commissioners, after hearing the person making such objection, or his agent, certify that the work in his judgment ought to be executed, nor shall such work be begun until the end of Seven Days after an order for the execution thereof has been duly made by the Commissioners, and entered in their books.

**86.
Appeals.**

Any person liable to pay or to contribute towards the expense of any of the works aforesaid, or otherwise aggrieved by any order of the Commissioners relating thereto, may, at any time within Seven Days next after the making of any such order, give notice in writing to the Commissioners that he intends to appeal against such order to the Court of Quarter Sessions, holden next after the expiration

expiration of Ten Days next after such notice, and along with such notice he shall give a statement in writing of the grounds of the appeal; and if within Four Days next after giving such notice the party enter into a recognizance before some Justice, with Two sufficient sureties conditioned to try the appeal, and abide the order of the Court, and pay such costs as shall be awarded by the Court thereupon, the work so appealed against shall not be begun until after the judgment of the Court upon such appeal; and such court, upon due proof of such notice and of such recognizance having been given and entered into, shall hear and determine the matter of the appeal, and shall make such order thereon, either confirming, quashing or varying the same, and shall award such costs to either of the parties as the Court in its discretion thinks fit: Provided always, That the appellant shall not be heard in support of such appeal, unless such notice and statement have been given and such recognizance entered into as aforesaid, nor on the hearing of such appeal shall he go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

AND with respect to cleansing the Streets; BE it Enacted as follows:

*Cleansing
Streets.*

The Commissioners shall cause all the streets, together with the foot-pavements, from time to time, to be properly swept and cleansed, and all dust, and filth of every sort found thereon, to be collected and removed, and shall cause all the dust, ashes and rubbish to be carried away from the houses and tenements of the inhabitants of the town or district within the limits of the Special Act, at convenient hours and times, and shall cause the privies and cesspools within the said town or district to be from time to time emptied and cleansed in a sufficient and proper manner: Provided always, That the occupier of any house or tenement within the limits of the Special Act may keep and remove any such soil, ashes or rubbish as shall be made on his own premises, and shall be kept for manure, so that the same be not a nuisance to the inhabitants residing near such premises, and that the same be removed at such times and in such manner as shall be approved of by the Commissioners.

87.
Commissioners to cause Streets to be cleansed, and Dust and Ashes to be removed from the Houses.

The occupiers of buildings and lands within or adjoining the streets, shall once in every day (Sundays excepted), before Eight of the clock in the forenoon of each day, cause to be swept and cleansed the footways and pavements in front or at the side of their respective buildings and lands, and every such occupier making default herein, shall for every such offence be liable to a penalty not exceeding Five Shillings; and for the purpose aforesaid, when any house shall be let in separate apartments, the person letting such apartments shall be deemed the occupier.

88.
Occupiers to cause footways to be swept.

89.
Commissioners may compound for sweeping footways.

The Commissioners may compound for such time as they think fit with any person liable to sweep or clean any footway under the provisions of this or the Special Act, for sweeping and cleaning the same in the manner directed by this or the Special Act.

90.
Refuse vested in the Commissioners.

The dust and filth which the Commissioners shall cause to be collected from the streets, privies, sewers and cesspools, and all the dust, ashes and rubbish which the Commissioners shall cause to be collected and carried away from the houses or elsewhere within the said limits, shall be the property of the Commissioners, and the Commissioners shall have power to sell and dispose of the same as they think proper, and the money arising from the sale thereof shall be applied toward the purposes of the Special Act. 5-10

91.
Commissioners may provide Lands, &c. for deposit of Soil and materials.

The Commissioners may from time to time provide places convenient for the deposit of the night-soil, dung, ashes and other filth and rubbish to be collected under the authority of this or the Special Act ; and for stabling and keeping all horses, carts, implements and other things required for the purposes of this or the Special Act, or of any Act to be incorporated therewith, and for any of such purposes, the Commissioners may purchase or hire any lands or buildings by them considered necessary, or they may cause any new building to be made upon any land which shall be purchased or hired by them under the provisions of this or the Special Act. 15-20

92.
Dust-boxes to be erected by Commissioners.

The Commissioners, if they think fit so to do, may cause any number of moveable or fixed dust-boxes or other conveniences wherein dust and ashes may be deposited until removed and carried away to be provided and placed in such of the streets as they shall judge necessary, and may require the occupiers of houses or tenements within such streets to cause all their dust and ashes to be deposited daily in the said dust-boxes or other conveniences ; and every person who after such dust-boxes or conveniences have been so provided shall deposit or cause or permit to be deposited any ashes or dust in any part of any street, except in some of the said dust-boxes or other conveniences, or who shall lay or cause to be laid any dirt, dung or other filth in any part of any street, shall for every such offence forfeit and pay a sum not exceeding Ten Shillings. 25-35

93.
Public conveniences.

The Commissioners may erect such public urinals within the limits of the Special Act, and in such situations as they think fit, and may defray the expense thereof, and of keeping the same in good order, and may make compensation for any injury occasioned to any person by the erection thereof, out of the monies to be levied under this and the Special Act. 40

The

*Cleansing
Streets.*94.
Commission-
ers may water
Streets and
provide
Wells,
Pumps, &c.

The Commissioners shall, as often as occasion requires, cause the streets to be watered, and they may contract with any Water Company or other party for a supply of water for that purpose, and for cleansing the sewers and drains; and if necessary they may place
 5 pipes, conduits and pumps in any of the streets, or provide any other works and engines proper for that purpose, and remove and alter the same when and as they think proper.

95.
Commission-
ers to appoint
Scavengers.

The Commissioners shall appoint and employ a sufficient number of scavengers, or contract with any Company or other person
 10 to employ scavengers for sweeping, cleansing and watering the streets, and for removing all dust, ashes, rubbish and filth therefrom, and for emptying privies and cesspools in the manner by this or the Special Act directed; and such scavengers shall, on such days and at such hours, and in such manner as the Commissioners from
 15 time to time appoint, sufficiently execute all such works and duties as they have respectively contracted or been employed to perform; and every such contractor who fails to sweep and properly cleanse or water any street which he has contracted to sweep, cleanse or water, or who fails to clean out and empty any privy, cesspool or
 20 sewer which he has contracted to clean out and empty at the time and in the manner appointed by the Commissioners, or to collect or remove any dirt, ashes or rubbish which he has contracted to remove at the time and in the manner prescribed by the Commissioners for that purpose, or who lays any of such soil, dust, ashes,
 25 rubbish or filth in any other place than such as are appointed by the Commissioners for that purpose, shall for every such offence be liable to a penalty not exceeding Five Pounds.

96.
Penalty for
obstructing
Scavengers.

Every occupier of any building or land within the said limits, and every other person who refuses to permit the said scavengers
 30 to remove such dirt, ashes or rubbish as by this or the Special Act they are authorized to do, or who obstructs the said scavengers in the performance of their duty, shall for every such offence be liable to a penalty not exceeding Five Pounds.

97.
Penalty on
persons other
than Scaven-
gers removing
Dirt.

Every person other than the person employed by the Commissioners or by some person contracting with the Commissioners for
 35 that purpose, who collects or carries away any night-soil, dust, ashes, rubbish or filth by this or the Special Act directed to be removed by persons employed by the Commissioners, from any street or public place within the limits of the Special Act, shall be liable to
 40 a penalty not exceeding Forty Shillings for every such offence.

98.
Penalty for
conveying of-
fensive matter
at improper
times.

The Commissioners may from time to time fix the hours within which only it shall be lawful to empty privies or remove offensive
 341. matter

*Cleansing
Streets.*

matter within the limits of the Special Act; and when the Commissioners have fixed such hours and given public notice thereof, every person who within the limits of the Special Act empties or begins to empty any privy, or removes along any thoroughfare within the said limits any offensive matter at any time except within the hours so fixed, and also every person who at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart or of the stench thereof, or who wilfully slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably slopped or spilled, shall be liable to a penalty not exceeding Forty Shillings, and in default of the apprehension of the actual offender, the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

Nuisances.

AND with respect to the prevention of Nuisances; BE it Enacted, as follows:

99.
Stagnant
Pools of
Water and
other annoy-
ances to be
removed.

No person shall suffer any waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him within the limits of the Special Act, so as to be a nuisance; and every person who so suffers any such water to remain for Forty-eight Hours after receiving notice from the Commissioners to remove the same; and every person who allows the contents of any privy or cesspool to overflow or soak therefrom to the annoyance of the occupiers of any adjoining property, shall for every such offence be liable to a penalty not exceeding Forty Shillings, and to a further penalty not exceeding Five Shillings for every day during which such nuisance continues; and the Commissioners may drain and cleanse out any stagnant pools, ditches or ponds of water within the limits of the Special Act, and abate any such nuisance as aforesaid, and for that purpose may enter, by their officers and workmen, into and upon any building or land within the said limits, at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence, or occupying the building or land whence such annoyance proceeds, and if there be no occupier, by the owner of such building or land, and shall be recoverable as damages.

100.
Regulations
to prevent
accumulation
of Dung.

If the dung or soil of any stable, cow-house or pig-stye, or other collection of refuse matter elsewhere than in any farm-yard, be at any time allowed to accumulate within the limits of the Special Act for more than Thirty Days or for more than Seven Days after

after a quantity exceeding One Ton has been collected in any place not allowed by the Commissioners, such dung, soil or refuse, if not removed within Forty-eight Hours after notice from any officer of the Commissioners for that purpose, shall become the property of the Commissioners, and they or any person with whom they have at that time any subsisting contract for the removal of all such refuse may sell and dispose of the same, and the money thence arising shall be applied toward the purposes of the Special Act.

If at any time the Officer of Health, or if for the time being there be no Officer of Health, any Two surgeons or physicians or One surgeon and One physician residing within the limits of the Special Act, certify under his or their hand to the Commissioners that any accumulation of dung, soil or filth, or other noxious or offensive matter, within the limits of the Special Act ought to be removed, as being injurious to the health of the inhabitants, the Clerk to the Commissioners shall forthwith give notice to the owner or reputed owner of such dung, soil or filth, or to the occupier of the land where the same are, to remove the same within Twenty-four Hours after such notice; and in case of failure to comply with such notice, the said dung, soil or filth shall thereupon become vested in the Commissioners, and they or any person with whom they have at that time contracted for the removal of all such refuse may sell and dispose of the same, and the money thence arising shall be applied toward the purposes of the Special Act.

101.
On Certificate
of the Officer
of Health,
Filth to be
removed.

If at any time the Officer of Health, or if for the time being there be no Officer of Health, any Two surgeons or physicians or One surgeon and One physician residing within the said limits, certify under his or their hands, to the Commissioners that any house, or part of any house or building within the limits of the Special Act, is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing or purifying of any house or building, or any part thereof, would tend to prevent or check infectious or contagious disease therein, or that any drain, privy or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Commissioners shall order the occupier of such house or part thereof, to whitewash, cleanse and purify the same, and the owner of such drain, privy or cesspool to amend the condition thereof, in such manner and within such time as the Commissioners deem reasonable; and if such occupier or owner do not comply with such order, he shall be liable to a penalty not exceeding Ten Shillings for every day's neglect thereof; and in such case the Commissioners may cause such house, or any part thereof, to be whitewashed, cleansed and purified, or the condition of such drain,

102.
Houses to be
whitewashed
and purified.

Nuisances.

privy or cesspool to be amended, and may recover the expense thereof from such occupier or owner in the same manner as damages.

103.
No interment
in any grave
without leav-
ing Two Feet
Six Inches
clear of soil
above the
coffin.

No coffin containing a corpse shall be buried in any grave within the limits of the Special Act, not being a vault or catacomb, 5
without at least Thirty Inches of soil between the ordinary sur-
face of such burial-ground and the upper side of the coffin;
and if the person having the preparation or the immediate
charge of the preparation of the grave to receive such coffin,
permit the coffin to be buried in such grave, or if the person 10
having the control of the burial-ground knowingly permit any
coffin to be buried in any grave in which there is not left, after
the burial thereof, Thirty Inches at the least of soil, measuring
from the ordinary surface of such burial-ground to the upper side
of the coffin, the person having the immediate charge of the pre- 15
paration of the grave, and the person having the control of the
burial-ground in which such burial is made, shall for every such
offence be liable to a penalty not exceeding Five Pounds.

104.
Justices may
order nui-
sances to be
abated.

If any candle-house, melting-house, melting-place or soap-house, 20
or any slaughter-house, or any building or place for boiling offal or
blood, or for boiling or crushing bones, or any pigstye, necessary-
house, dunghill, manure-heap, or any manufactory, building or place
of business, within the limits of the Special Act, be at any time
certified to the Commissioners by the Inspector of Nuisances or Of- 25
ficer of Health to be a nuisance or injurious to the health of the
inhabitants, the Commissioners shall direct complaint to be made
before Two Justices; and any Justice may summon before any
Two Justices the person by or on whose behalf the work com-
plained of is carried on, and such Justices shall inquire into such 30
complaint, and they may, by an order in writing under their hands,
order such person to discontinue or remedy the nuisance within
such time as to them shall appear expedient: Provided always,
That if it appear to such Justices that in carrying on any business
complained of, the best means then known to be available for miti- 35
gating the nuisance or the injurious effects of such business have
not been adopted, they may suspend their final determination, upon
condition that the person so complained against shall undertake to
adopt, within a reasonable time, such means as the said Justices
shall judge to be practicable, and order to be carried into effect,
for mitigating or preventing the injurious effects of such business. 40

105.
Penalty for
disobedience
of Justices'
order.

If any such nuisance, or the cause of any such injurious effects
as aforesaid, be not discontinued or remedied within such time
as shall be ordered by the said Justices, the person by or on whose
behalf

behalf the business causing such nuisance is carried on shall be liable to a penalty not exceeding Five Pounds for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid: Provided always, That when any person who
 5 thinks himself aggrieved by any such order shall, according to the provisions of this or the Special Act, appeal against any such order, such person shall not be liable to discontinue or remedy the nuisance or cause of the injurious effects mentioned therein, or to pay any
 10 penalty until after the expiration of Five Days after the determination of such appeal and the confirmation of such order, unless such appeal cease to be prosecuted.

The Commissioners may direct any prosecution for any public nuisance whatsoever created, permitted or suffered within the limits of the Special Act, and may order proceedings to be taken for the
 15 recovery of any penalties, and for the punishment of any persons offending against the provisions of this or the Special Act, or of any Act incorporated therewith, and may order the expenses of such prosecution or other proceedings to be paid out of the rates authorized to be imposed under the provisions of this and the Special
 20 Act.

106.
Commissioners to order Costs of Prosecutions.

Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is or but for this Act would be deemed to be a nuisance at common law, nor to exempt any person guilty of nuisance at common law from
 25 prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

107.
Act not to affect Nuisances at Common Law.

AND with respect to the prevention of Smoke; BE it Enacted, as follows:

Smoke.

30 Every fire-place or furnace constructed after the passing of the Special Act, in order to be used within the limits of such Act, in the working of engines by steam, or in any mill, factory, dye-house, brewery, bakehouse, gas-work, or in any manufactory whatsoever (although a steam-engine be not used or employed therein), shall
 35 be so constructed as to consume the smoke arising from the combustibles used in such fire-place or furnace; and every such fire-place or furnace existing within the said limits, at the date of the passing of the Special Act used for the purposes aforesaid, not so constructed as to consume the smoke arising from such fire-place or
 40 furnace shall, within the prescribed period, or if no period be prescribed, then within Two Years after the passing of the Special Act, be so altered in its construction as to consume such smoke; and if after such period any person use for any of the purposes aforesaid any

108.
Fire-places of Factories, &c. to consume their own Smoke.

furnace not so constructed as aforesaid, or if at any time any person use any such furnace constructed after the passing of the Special Act, and not so constructed as aforesaid, every person so offending shall be liable to a penalty of Forty Shillings for every day during any part of which such furnace or fire-place shall be so used and continued, after One Month's notice in writing shall have been given to the owner or occupier of such furnace or fire-place by the Commissioners to remedy or discontinue the use of the same. 5

Fire.

109.

Party-walls
to be carried
up through
the roof.

AND with respect to the construction of houses for prevention of Fire; BE it Enacted as follows: 10

Walls of
buildings and
coverings of
roofs to be
made of in-
combustible
materials.

The party-walls of all buildings erected after the passing of the Special Act within the limits thereof, shall be carried through and above the roof, to form a parapet of not less than Twelve Inches in height, measured at right angles with the slope of the roof above the covering of the roof of the highest building to which such party-walls belong; and all such party-walls, and the external walls of all buildings erected after the passing of the Special Act in or near any street, or within the curtilage of any house adjoining any street, shall be constructed of incombustible materials, and the coverings of the roof thereof shall not without the previous consent in writing of the Commissioners be constructed of combustible materials; and it shall not be lawful for the owner of any building within the limits of the Special Act, having at the passing of the Special Act a roof covered with thatch or other combustible material, and contiguous to or adjoining to any other building, to suffer such covering to such roof to remain for a longer period than Seven Years after the passing of the Special Act, unless with the consent in writing of the Commissioners; and every person who shall erect any building, or cover any roof, or suffer the covering of any roof to continue contrary to the provision herein contained, and who shall not remove or alter the same, within One Month after notice given to him for that purpose by the Commissioners, shall be liable to a penalty not exceeding One Pound for every day that such building or covering to such roof shall so continue. 15 20 25 30

Ventilation.

110.

Places for
Public Meet-
ings to be con-
structed with
approbation
of Surveyor.

AND with respect to supplying buildings with fresh Air; BE it Enacted, as follows: 35

Before beginning to build any building intended to be used as a church, chapel or school, or a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, within the limits of the Special Act, the person intending to build the same shall give Fourteen Days' notice in writing to the Commissioners, and shall accompany such notice with a plan and description of the manner proposed for its construction with respect to the means of supplying fresh air to such building; and no person shall 40

shall begin to build such building until the manner proposed for its construction, with respect to the means for supplying fresh air, have been approved of by the Commissioners, and in default of sending such notice, or if any such building be erected without such approval, the Commissioners may cause such building, or such part of it as they consider necessary to be pulled down or altered at the expense of the owner, and any expense incurred by the Commissioners in so doing may be recovered as hereinbefore provided with respect to ruinous or dangerous buildings taken down or repaired by the Commissioners.

Provided always, That if the Commissioners fail to signify in writing their approval or disapproval of the manner of construction of such building with respect to the means of supplying fresh air, shown on such plan and description as aforesaid, within Fourteen Days after receiving such notice, accompanied by such plan and description, the person giving such notice may, notwithstanding any thing herein contained, proceed to build the building therein referred to in the manner shown on such plan and description; provided that such building be otherwise in accordance with the provisions of this and the Special Act.

111.
CLAUSE (K.)
If Commissioners fail to signify their determination within Fourteen Days, party may proceed.

Provided also, That if the person so intending to build be dissatisfied with the determination of the Commissioners as to the said proposed manner of construction, he shall have the same right of appeal against the determination of the Commissioners, and such appeal shall be followed by the same incidents, as hereinbefore provided in the case of appeals against any order of the Commissioners with respect to works to be constructed by or subject to the approval of the Commissioners.

112.
CLAUSE (L.)
Appeal.

It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling-place, any cellar under any house in any court within the limits of the Special Act, after the Commissioners have given notice to the owners thereof, that the letting of cellars as dwelling-places in such court is prohibited from that time forth; and it shall be the duty of the Commissioners to issue such notices from time to time, as soon as is convenient, until such notice has been given with respect to every court within the limits of the Special Act.

113.
Cellars in Courts not to be occupied as Dwellings.

It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling-place, any cellar or room under any house within the said limits, although not situated in a court, which cellar or room shall be less in height from the floor to the ceiling than Seven Feet, or which shall be less than One-third of its height above the level of the street or ground

114.
Cellars not to be let for Dwellings, unless of a certain height.

Ventilation.

adjoining the same, or otherwise shall not have Two Feet at least of its height from the floor to the ceiling above the said level, with an open area of Two Feet wide from the level of the floor of such cellar or room up to the level of the said street or ground, or which shall not have appurtenant thereto the use of a watercloset or privy and ash-pit, according to the enactment herein contained, or which shall not also have a glazed window made to open to the full extent of the half thereof, the area of which is not less than Six Feet clear of the frame, and a fire-place with a chimney or flue, or which cellar, being an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, has not a ventilating flue (unless such inner or back cellar shall be part of a house built before the passing of the Special Act), or which shall not be well and effectually drained by means of a drain, the bottom of which is One Foot at least below the level of the floor of such cellar or room.

115.
Penalty.

Every person who lets separately (except as aforesaid), or who knowingly suffers to be occupied for hire, as a dwelling-place, any cellar or room within the limits of the Special Act, contrary to the provisions of this and the Special Act, shall be liable to a penalty not exceeding Five Shillings for every day during which such cellar or room is so occupied.

Lodging-houses.

AND with respect to Lodging-houses; BE it Enacted, as follows:

116.
For the regulation and inspection of Lodging-houses.

It shall not be lawful to keep or use as a public lodging-house, within the limits of the Special Act, any house not being a licensed victualling house, which shall be rated to the relief of the poor on a less sum than Ten Pounds, nor in any case unless such house shall have been registered as a lodging-house in a book to be kept by the Commissioners for that purpose; and every house shall be deemed a public lodging-house within the meaning of this Act in which persons are harboured or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any term less than a week.

117.
Commissioners to keep a Register of Lodging-house keepers and make Rules for promoting Cleanliness and Ventilation.

The Commissioners shall cause a register to be kept, in which shall be entered the names of all such persons as apply to have the houses occupied by them registered as lodging-houses, and the situations of such houses; and the Commissioners shall from time to time fix the number of lodgers who may be received into each such lodging-house, and make rules for promoting cleanliness and ventilation in such lodging-house; and they shall order that a ticket containing the number of lodgers allowed to be received into the house, and a table of rules for promoting cleanliness and ventilation,

Lodging-houses.

ventilation, shall be hung up or placed in a conspicuous part of each room into which lodgers are received; and the keepers of all such lodging-houses shall at all times observe the said rules and give access to such lodging-houses when required by any persons appointed by the Commissioners for the purpose of inspection thereof, or for the purpose of performing therein any disinfecting process which the Commissioners may order.

Every person who shall keep any lodging-house and receive lodgers therein, without such lodging-house having been duly registered, or who shall receive into the same more lodgers than shall be allowed by the Commissioners, or who shall fail to keep such ticket or such table of rules as aforesaid, hung up or displayed as required by the Commissioners, or who shall neglect to cause such rules to be observed in any such lodging-house, or who shall refuse to admit to such lodging-house at all reasonable times, any person appointed by the Commissioners for any of the purposes aforesaid, or who shall wilfully obstruct any such person in performing any disinfecting process therein which the Commissioners may order, shall be liable to a penalty not exceeding Forty Shillings for each such offence.

118.
Penalty on lodging-house keepers not complying with the provisions of the Act.

AND with respect to lighting the town or district; BE it Enacted, as follows :

Lighting.

The Commissioners may contract for the prescribed period, or (where no period shall be prescribed) for any period not exceeding Three Years at any one time, with the owners of any gas-works, or with any other person, for the supply of such gas or oil, or other means of lighting; and may provide such lamps, lamp-posts and other works as the Commissioners think necessary for lighting such streets.

119.
Commissioners may contract for lighting the Streets.

If the Commissioners and the owners of any gas-works authorized by Act of Parliament to supply gas within the limits of the Special Act, and with whom the Commissioners may be desirous of contracting, shall not agree as to the price to be paid for such supply, then such price shall be settled by arbitration; and for that purpose the clauses of the Land Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this and the Special Act.

120.
For ascertaining price to be paid for Gas in case of dispute.

AND with respect to the supply of Water; BE it Enacted, as follows :

Water.

The Commissioners shall cause all existing public cisterns, pumps, wells, conduits and other waterworks, used for the gratuitous supply of water to the inhabitants within the limits of the Special Act to be

121.
Supply of Water by Public Cisterns and Pumps for Baths and Wash-houses

continued, maintained and supplied with water, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with water, and such public cisterns and other works shall be vested in the Commissioners, and be under their management and control; and the Commissioners may construct any number of new cisterns, pumps, conduits and other waterworks for the gratuitous use of any persons who choose to carry the same away, not for sale, but for their own private use, and may supply with water any public baths or wash-houses. 5

122.
Commissioners may contract for Supply of Water.

The Commissioners may contract for the prescribed period, or (where no period shall be prescribed) for any period not exceeding Three Years at one time, with the owners of any waterworks or any other person for such supply of water, as the Commissioners shall think necessary, for the purposes of this or the Special Act. 10

123.
For ascertaining Price to be paid for Water in case of dispute.

If the Commissioners and the owners of any waterworks, authorized by Act of Parliament to supply water within the limits of the Special Act, with whom the Commissioners may be desirous of contracting, do not agree as to the price to be paid for such supply, then such price (except where by the Act authorizing such waterworks, some other mode of determining such price shall be provided) shall be settled by arbitration, and for that purpose the clauses of the Lands Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this and the Special Act. 15 20

124.
Commissioners to provide Fire-plugs.

The Commissioners shall cause fire-plugs and all necessary works, machinery and assistance for securing an efficient supply of water in cases of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or other party, and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may from time to time deem expedient. 25 30

Slaughter-houses.

AND with respect to Slaughter-houses; BE it Enacted, as follows:

125.
Commissioners may provide Slaughter-houses.

The Commissioners may license such slaughter-houses and knacker's yards as they from time to time think proper for slaughtering cattle within the limits of the Special Act. 35

126.
No Slaughter-houses in future to be erected without a License.

No place shall be used or occupied as a slaughter-house or knacker's yard within the said limits which was not in such use and 35

and occupation at the time of the passing of the Special Act, and has so continued ever since, unless and until a license for the erection thereof, or for the use and occupation thereof as a slaughter-house or knacker's yard have been obtained from the Commissioners; and every person who, without having first obtained such license as aforesaid, uses as a slaughter-house or knacker's yard any place within the said limits not used as such at the passing of the Special Act, and so continued to be used ever since, shall for each offence be liable to a penalty not exceeding Five Pounds, and a like penalty for every day after the conviction for such offence upon which the said offence is continued.

Every place within the limits of the Special Act which shall be used as a slaughter-house or knacker's yard, shall, within Three Months after the passing of such Act, be registered by the owner or occupier thereof, at the office of the Commissioners, and on application to the Commissioners for that purpose, the Commissioners shall cause every such slaughter-house or knacker's yard to be registered in a book to be kept by them for that purpose; and every person who after the expiration of the said Three Months, and after One Week's notice of this provision from the Commissioners, uses or suffers to be used any such place as a slaughter-house or knacker's yard without its being so registered, shall be liable to a penalty not exceeding Five Pounds for such offence, and a penalty not exceeding Ten Shillings for every day after the first day during which such place shall be used as a slaughter-house or knacker's yard without having been so registered.

127.
Existing
Slaughter-
houses to be
registered.

The Commissioners shall from time to time, by bye-laws, to be made and confirmed in the manner hereinafter provided, make regulations for the licensing, registering and inspection of the said slaughter-houses and knackers' yards, and preventing cruelty therein, and for keeping the same in a cleanly and proper state, and for removing filth at least Once in every Twenty-four Hours, and requiring them to be provided with a sufficient supply of water, and they may impose pecuniary penalties on persons breaking such bye-laws: Provided, That no such penalty exceed, for any one offence, the sum of Five Pounds, and in the case of a continuing nuisance the sum of Ten Shillings for every day during which such nuisance shall be continued.

128.
Commis-
sioners may
make Bye-
laws for
regulation of
Slaughter-
houses.

The Justices before whom any person is convicted of killing or dressing any cattle contrary to the provisions of this or the Special Act, or of the non-observance of any of the bye-laws or regulations made by virtue of this or the Special Act, in addition to the penalty

129.
Justice may
suspend
License.

imposed on such person under the authority of this or the Special Act, may suspend for any period not exceeding Two Months the license granted to such person under this or the Special Act, or in case such person be the owner or proprietor of any registered slaughter-house or knacker's yard, may forbid for any period not exceeding Two Months the slaughtering of cattle therein; and such Justices, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed under the authority of this or the Special Act, declare the license granted under this or the Special Act revoked, or if such person be the owner or proprietor of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein; and whenever the license of any such person is revoked as aforesaid, or whenever the slaughtering of cattle in any registered slaughter-house or knacker's yard is absolutely forbidden as aforesaid, the Commissioners may refuse to grant any license whatever to the person whose license has been so revoked, or on account of whose default the slaughtering of cattle in any registered slaughter-house has been forbidden.

130.
CLAUSE (M.)
 Penalty for
 slaughtering
 Cattle during
 suspension of
 License, &c.

Every person who during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle in the slaughter-house or knacker's-yard to which such license relates, or otherwise uses such slaughter-house or knacker's-yard, or allows the same to be used as a slaughter-house or knacker's-yard, and every person who during the period that the slaughtering of cattle in any such registered slaughter-house or knacker's-yard is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any cattle in any such registered slaughter-house, shall be liable to a penalty not exceeding Five Pounds for such offence, and a further penalty of Five Pounds for every day after the first on which any such offence is committed.

131.
Officers may
 enter and in-
 spect Slaugh-
 ter-houses,
 &c.

The inspector of nuisances, the officer of health, or any other officer appointed by the Commissioners for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any building or place whatsoever within the said limits kept or used for the sale of butchers' meat, or for slaughtering cattle, and examine whether any cattle, or the carcase of any such cattle, is deposited there, and in case such officer shall find any cattle, or the carcase or part of the carcase of any beast, which appears unfit for the food of man, he may seize and carry the same before a Justice, and such Justice shall forthwith order the same to be further inspected and examined by competent persons, and in case upon such inspection and examination, such cattle, carcase or part of a carcase be found to be unfit for the food

food of man, such Justice shall order the same to be immediately destroyed or otherwise disposed of in such way as to prevent the same being exposed for sale or used for the food of man; and such Justice may adjudge the person to whom such cattle, carcass, or part of a carcass belongs, or in whose custody the same is found, to pay a penalty not exceeding Ten Pounds for every such animal or carcass, or part of a carcass, so found; and the owner or occupier of any building or place kept or used for the sale of butchers' meat, or for slaughtering cattle, and every other person who obstructs or hinders such inspector or other officer from entering into and inspecting the same, and examining, seizing or carrying away any such animal or carcass or part of a carcass so appearing to be unfit for the food of man, shall be liable to a penalty not exceeding Five Pounds for each offence.

15 AND with respect to things to be done by the Commissioners by Special Order only; BE it Enacted, as follows:

Where by this or the Special Act, the Commissioners are empowered to do any thing by special order only, it shall not be lawful for them to do such thing unless the resolution to do the same have been agreed to by the Commissioners in some meeting whereof special notice has been given, and has been confirmed in a subsequent meeting held not sooner than Four Weeks after the preceding meeting, and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings, in some newspaper circulating within the limits of the Special Act, and of which special notice in writing has been given to each of the Commissioners.

Provided always, That after any resolution has been confirmed in a subsequent meeting as aforesaid, the Commissioners shall not proceed to carry the same into effect until after the expiration of One Month from the date of such second meeting, and during such month such resolution shall be advertised once at least in each week in some newspaper circulating within the limits of the Special Act, and public notice thereof shall also be given by means of placards posted in public places within the said limits; and reference shall in such advertisement and notice be made to some place provided by the Commissioners where the plan or particulars of the work or matter to which such resolution relates may be gratuitously seen by the rate-payers; and if before the expiration of such month a remonstrance in writing against carrying into effect such resolution, or any part thereof, signed by a majority of the rate-payers having votes in the election of the Commissioners (such majority being computed with reference to the number of votes to which in such

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election

Special Order.

132.
Certain matters to be done by the Commissioners by special order only.

133.
CLAUSE (N.)
Final Resolution not to be carried into effect for One Month, nor then, if a majority of the Rate-payers remonstrate.

Special Order.

election each rate-payer is entitled under the Special Act, or any Act incorporated therewith), be presented to the Commissioners, such resolution, or such part thereof as such remonstrance applies to, shall not be carried into effect, and where any such remonstrance applies to part only of any such resolution, the Commissioners may either carry into effect the remainder of such resolution, or rescind the same as they think fit. 5

134.
 CLAUSE (O.)
 Slaughter-
 houses.

The Commissioners may from time to time, with the concurrence in writing of the Inspector, and by special order as herein defined, but not otherwise, purchase, rent, build or otherwise provide such slaughter-houses and knackers'-yards, as they think proper for slaughtering cattle within the limits of the Special Act. 10

135.
 Places
 for Public
 Recreation.

The Commissioners may by a special order as herein defined, but not otherwise, purchase, rent or otherwise provide lands, grounds or other places either within the limits of the Special Act, or at a reasonable distance therefrom, not exceeding Three Miles from the centre of the principal market-place, if any, or from the principal office of the Commissioners, and in a situation to be approved of by the Inspector, to be used as a pleasure ground or place of public resort or recreation; and the Commissioners may from time to time level, drain, plant and otherwise lay out and improve any such public lands or grounds, for the more convenient use and enjoyment thereof. 15 20

136.
 Public
 Bathing
 Places and
 Public Drying
 Grounds.

The Commissioners may from time to time, by special order as herein defined, but not otherwise, purchase, rent or otherwise provide, either within the limits of the Special Act, or at a reasonable distance therefrom, suitable and convenient land and buildings, in a situation and according to plans to be approved of by the Inspector, to be used for public baths and washhouses, and public open bathing places, and public drying-grounds for the use and accommodation of the inhabitants within the limits of the Special Act, in washing and drying clothes and other articles, and may fit up the same respectively with all requisite and proper conveniences; and from time to time enlarge, renew and repair the same respectively, and afford the use thereof respectively to such inhabitants at such reasonable charges, and under and subject to such regulations as the Commissioners may deem expedient; and every person who offends against any such regulations shall be liable to a penalty not exceeding Forty Shillings for every offence. 25 30 35

137.
 Proportion
 of Baths for
 Working
 Classes.

Provided always, That the number of baths for the use of the working classes in any building provided by the Commissioners, shall not be less than Twice the number of the other baths of any higher class. 40

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138.

Charges for
use of Baths.

The Commissioners may from time to time make such reasonable charges for the use of such baths, bathing-places, wash-houses and drying-grounds as they think fit; but as regards the working classes, not exceeding the charges, if any, mentioned in the Special Act, unless for the use of any washing-tub or trough for more than Two Hours in any one day, in which case any charge may be made which the Commissioners deem reasonable.

139.

Recovery of
Charges for
Baths, &c.

For the recovery of the charges at such wash-houses and drying-grounds, the officers, servants and others having the management thereof, may, at the period of using the same, or at any subsequent time, detain the clothes or other goods and chattels in or upon any such wash-house or drying-ground of any person refusing to pay the charge to which such person may be liable, or any part thereof, till full payment thereof be made; and in case such payment be not made within Seven Days, the Commissioners may sell such clothes, goods and chattels, or any of them, returning the surplus proceeds of such sale, after deducting the unpaid charge, and the expenses of such detention and sale, and the unsold articles, if any, on demand to such person.

140.

Publication of
Bye-laws in
regard to
Baths, &c.

A printed copy, or sufficient abstract of the bye-laws made by the Commissioners relating to the use of such baths, bathing-places and wash-houses, so far as regards every such bath, bathing-place or wash-house, shall be put up in such bath-room, bathing-place and wash-house.

141.

Sale of Baths,
&c. on dis-
continuing
them.

Whenever any of such public baths, bathing-places, wash-houses or drying-grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by special order as herein defined, but not otherwise, discontinue the same, and sell the lands, buildings and materials for the best price that can reasonably be obtained, and convey the same accordingly; and the purchase money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

142.

Application
to be made to
Parliament if
additional
powers neces-
sary.

If it appear that any works which the Commissioners deem necessary for promoting the health or convenience of the inhabitants of the district within the limit of the Special Act cannot lawfully be carried into effect by the Commissioners, under the powers vested in them by this or the Special Act, by reason either that the monies authorized to be raised by them are insufficient for the purpose, or that any lands are required which the Commissioners are not by this or the Special Act authorized to take or use, or for any other reason, the Commissioners may, by special order as herein defined, but not

otherwise, cause application to be made to Parliament for an Act to enable them to execute such works, and may defray the expenses of such application out of the rates authorized to be levied by them, under this and the Special Act.

Clocks.

143.

Power to provide Public Clocks.

AND with respect to Clocks ; BE it Enacted, That the Commissioners may from time to time provide such clocks as they consider necessary, and cause them to be fixed upon or against any public building, or with the consent of the owner and occupier, upon or against any private building, the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and from time to time alter and remove any such clocks to such other like situation as they shall consider expedient.

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Execution of Works by Commissioners.

144.

Commissioners empowered to enter upon Lands.

AND with respect to entry by the Commissioners or their officers in execution of this or the Special Act ; BE it Enacted as follows :

The Commissioners shall, for the purposes of this or the Special Act, have power by themselves or their officers, to enter at all reasonable hours in the day time, into and upon any buildings or lands within the limits of the Special Act, as well for the purpose of inspection as for the purpose of executing any work authorized to be executed by them under this or the Special Act, or any Act incorporated therewith, without being liable to any legal proceedings on account thereof : Provided always, That, except when herein or in the Special Act it is otherwise provided, the Commissioners or their officers shall not make any such entry, unless with the consent of the occupier, until after the expiration of Twenty-four Hours' notice for that purpose given to the occupier.

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145.

Commissioners not to be obstructed in their duty.

Every person who shall at any time obstruct the Commissioners or any person employed by them in the performance of anything which they are respectively empowered or required to do by this or the Special Act, or any Act to be incorporated therewith, shall be liable to a penalty not exceeding Five Pounds.

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Execution of Works by Owners.

146.

Service of notice on owners and occupiers of buildings and lands.

AND with respect to ensuring the execution of the Works by this or the Special Act required to be done by the Owners or Occupiers of houses or lands ; BE it Enacted, as follows :

Where under this or the Special Act any notice is required to be given to the owner or occupier of any building or land, such notice addressed to the owner or occupier thereof, as the case may require, may be served on the occupier of such building or land, or left with some inmate of his abode, or if there be no occupier, may be put up on some conspicuous part of such

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such building or land; and it shall not be necessary in any such notice to name the occupier or the owner of such building or land: Provided always, That when the owner of any such building or land, and his residence, are known to the Commissioners, it shall be the duty of the Commissioners, if such owner be residing within the limits of the Special Act, to cause every notice required to be given to the owner to be served on such owner or left with some inmate of his abode; and if such owner be not resident within the limits of the Special Act, they shall send every such notice by the post, addressed to the residence of such owner, but the neglect of the Commissioners to perform such duty shall not invalidate the notice, if duly given in the manner hereinbefore specified.

Whenever under the provisions of this or the Special Act, or any Act incorporated therewith, any work of any kind is required to be executed by the owner or occupier of any house or lands, and default is made in the execution of such work, the Commissioners may cause such work to be executed, and the expense incurred by the Commissioners in respect thereof shall be repaid to them by the person by whom such work ought to have been executed.

147.
Commissioners in default of owner or occupier, may execute works and recover expenses.

Whenever default is made by the owner of any buildings or lands in the execution of any work by this or the Special Act, or any Act incorporated therewith, required to be executed by him, the occupier of such buildings or lands may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be repaid to such occupier by the owner of the buildings or lands, and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

148.
Occupier in owner may execute works and deduct expenses from his rent.

If the owner of any buildings or lands made liable by this or the Special Act for the repayment to the Commissioners of any expenses incurred by them do not, as soon as the same become due and payable from him, repay all such expenses to the Commissioners, the Commissioners may recover the same from such owner, in the same manner as damages, or in an action of debt in any of the superior courts, or in any other court having jurisdiction.

149.
How Expenses are to be recovered from Owner.

The Commissioners may, by way or additional remedy, whether any such action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable, by the owner for the time being, from the person who then or at any time thereafter occupies any such buildings or lands under such owner; and in default of payment thereof by such occupier on demand, the same may be levied by distress

150.
Power to levy charges on Occupier.

and sale of the goods and chattels of such occupier, in the same manner as any rate may be recovered from him under this or the Special Act; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such expenses.

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151.
Occupier not
to be liable
for more than
the amount
of rent due.

Provided always, That no occupier of any buildings or lands shall be liable to pay more money in respect of any expenses charged by this or the Special Act on the owner thereof, than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, have accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burthen of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall lie upon such occupier: Provided further, That nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

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152.
CLAUSE (P.)
Commissioners may
allow time for
repayment by
Owners of
Improvement
Expenses.

Where any such expenses payable to the Commissioners by any owner of any such building or lands amount to more than half the amount of the net annual value of such building or lands, the Commissioners may, if they think fit, at the request of any such owner, allow time for the repayment of such expenses, and receive the same by such instalments as they, under the circumstances of the case, consider reasonable, but so that the same be repaid by annual instalments of not less than One-seventh part of the whole sum originally due, with interest for the principal money from time to time remaining unpaid, after the yearly rate of Five Pounds in the Hundred during the period of forbearance; but all such sums remaining due, notwithstanding the Commissioners have agreed to allow any time for the repayment thereof as aforesaid, shall from time to time, at the expiration of the several times so allowed for repayment thereof, be recoverable in like manner as such respective amounts would have been recoverable if no such time had been allowed for repayment thereof.

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153.
Proceedings
in case of
Tenants op-
posing the
execution of
this Act.

If the occupier of any buildings or lands within the limits of the Special Act, prevent the owner thereof from carrying into effect, in respect of such buildings or lands any of the provisions of this or the Special Act, or of any Act incorporated therewith,

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with, after notice of his intention so to do has been given by the owner to such occupier, any Justice, upon proof thereof, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such buildings or lands as may be necessary for carrying into effect the provisions of this and the Special Act, or of any Act incorporated therewith; and if after the expiration of Ten Days from the date of such order such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding Five Pounds; and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

15 Nothing herein or in the Special Act contained shall extend to avoid any agreement in writing entered into before the passing of the Special Act for erecting or altering any building, but the same shall be performed with such alterations as may be rendered necessary by this or the Special Act, and as if such alterations
20 had been stipulated for in such agreement; and the difference between the cost of the work according to the agreement and the cost of such work as executed according to the provisions of this and the Special Act shall be ascertained by the parties to the respective agreements, and paid for or deducted as the case may require; and
25 if the said parties do not agree upon the amount of such difference, the same shall, on the request of either party (notice being given to the other), be decided by the surveyor to the Commissioners, and for his trouble in making such decision, each of the said parties shall pay to the said surveyor such sum not exceeding
30 One Pound, and to be disposed of for such purposes of the Special Act as the Commissioners shall direct.

154.
Respecting
existing con-
tracts for
buildings.

35 Nothing herein or in the Special Act contained shall affect any lease or agreement for a lease whereby any person may be bound to erect buildings upon any building-ground within the limits of the Special Act, but the buildings mentioned in such lease or agreement shall be built according to the conditions which may be rendered necessary by this or the Special Act, in the same manner as if this and the Special Act had been passed and in operation at the time of making such lease or agreement, and the same had been made subject thereto, and that without either party being entitled to any compensation.

155.
Respecting
contracts for
leases.

Rates.

AND with respect to the Rates to be made for carrying the purposes of this and the Special Act into execution; BE it Enacted, as follows :

156.
Private im-
provement
expenses.

Where by this or the Special Act the occupiers of any lands or buildings are made liable to the payment of any expenses which are directed to be recoverable as private improvement expenses, the Commissioners may charge the occupiers of such lands and buildings respectively with special rates, over and above any other rates to which such persons may be liable under this and the Special Act, after the yearly rate of Six Pounds Ten Shillings in the hundred pounds on the cost of such private improvements respectively, such special rates to be payable during Thirty Years next after such expenses have been incurred. 5 10

157.
CLAUSE (Q.)
Special Sewer
Rates.

Whenever any new sewer shall be made, the Commissioners may charge the occupiers of all lands and buildings liable to contribute to the rates for making the same, with special sewer rates over and above any other rates to which such persons may be liable under this or the Special Act, after the yearly rate of Six Pounds Ten Shillings in the Hundred Pounds on the cost of making such new sewer; such special sewer rates to be payable during Thirty Years next after such expenses have been incurred. 15 20

158.
Commis-
sioners to
make a
Sewer-rate
distinct from
other Rates.

Except where it shall be otherwise provided by the Special Act, the Commissioners shall make a Sewer-rate, to be called the General Sewer Rate, distinct from any other rate which they may be authorized to make under the Special Act, and the money to be raised by such general sewer rates shall be applied in maintaining and clearing the sewers, and all other expenses connected with such sewers not hereinbefore provided for, or which may not be fully defrayed by the special sewer rates, and for securing and paying off any monies which may be borrowed for the purpose aforesaid on security of the special sewer rates, under the provisions of this or the Special Act, or of any Act incorporated therewith, and the interest of such monies, which the special sewer rates shall be insufficient to defray. 25 30

159.
Mortgage of
Rates.

The Commissioners may borrow money by mortgage of the special and general sewer rates for making new sewers, or inclosing open sewers, and also for any private improvement expenses, by mortgage of the rates respectively applicable to defray such expenses, and for that purpose, the clauses of the " Commissioners' Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act; and in order to discharge the principal money borrowed as aforesaid on security of any such rates, the 35 40

the Commissioners shall in every year pay off not less than one Thirtieth part of any principal sum so borrowed.

5 The Commissioners shall from time to time, unless it be otherwise provided by the Special Act, make the general sewer rate of such amount as will with the special sewer rates raise money sufficient not only to defray the current expenses of maintaining the sewers that shall have been purchased or made, but also to keep down the interest of any monies borrowed on security of the special and general sewer rate, and to pay off the principal of such monies
10 within a period not longer than Thirty Years.

160.
Sewer-rate to be of such amount as to pay off Monies borrowed thereon in Thirty Years.

15 Where by this or the Special Act the Commissioners are authorized to order that any rate shall be levied by assessments to be made for separate and distinct districts, the Commissioners from time to time may order assessments to be made in respect of the rates authorized to be so levied upon separate and distinct districts, and in such case the Commissioners shall cause their Surveyor to describe and define in the plan of the town or district within the limits of the Special Act every such separate and distinct district for the purposes of separate rating as aforesaid, and so from time to time, as occasion
20 shall require.

161.
Cases where rates may be charged upon separate and distinct Districts.

25 The Commissioners may in such case, instead of making one assessment for the whole town or district, within the limits of the Special Act, make separate and distinct assessments, as occasion shall require, for every such separate and distinct district respectively, and may appoint, if they see fit, surveyors, collectors and other officers for every such district; and they shall cause separate and distinct accounts to be kept of all monies collected and received under any rate, in each distinct district, and of all payments and disbursements in respect thereof; and they shall, unless otherwise provided
30 by the Special Act, apply the monies to be collected and received from each distinct district under any such rate as aforesaid, for the several purposes to which the same may be lawfully applied under the authority of this and the Special Act, but so nevertheless that each district shall, as near as may be, bear its own expenses; and in case any such expenses shall apply to or be incurred in respect of
35 two or more districts, the same shall be apportioned and divided between such districts in a fair and equitable manner.

162.
Rates to be levied on separate and distinct Districts.

40 In all cases when the Commissioners have paid or become liable to the payment of any expenses in constructing or laying any drain or pipe from any house or building, or in providing any privy, ash-pit or cesspool for the use of the occupiers thereof, and when neither the owner nor occupier of such house or building is
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163.
CLAUSE (R.)
Drainage Rates.

willing to defray the said expenses forthwith, the Commissioners shall lay drainage rates on the occupiers of such houses and buildings respectively, to be continued for Six successive Years, and no longer; and the sum to be levied by every such drainage rate shall be One-fifth part of the whole expense incurred in constructing, laying or providing such drain, privy, ash-pit or cesspool as aforesaid. 5

164.

CLAUSE (S.)
Occupiers
may deduct
a proportion
from their
Rent.

Every occupier of any such house or building, at a rent not less than the rack-rent, who has paid any such drainage rate, shall be entitled to deduct Three-fourths of the rate so paid by him from the rent payable by him to his landlord. 10

Every occupier at a rent less than the rack-rent, who has paid any such drainage rate, shall be entitled to deduct from the rent payable by him to his landlord, such proportion of Three-fourths of the rate so paid by him as the rent payable by him bears to the rack-rent.

165.

CLAUSE (T.)
Landlords
being also
Tenants, may
deduct from
their Rent.

Every landlord, from whom any part of his rent has been deducted on account of such drainage rate, and who is himself liable to the payment of rent, shall be entitled to deduct from the rent payable by him such proportion of the sum so deducted from the rent payable to him, as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord receiving rent, and also liable to pay rent on account of such house or building; Provided that no landlord, being also a tenant, shall be entitled under this provision to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him. 15 20

166.

CLAUSE (U.)
Limitation of
expenditure
for house-
drains, &c.

Without the written consent of the owner of any such house or building, the Commissioners shall not be empowered to expend, during any term of Six successive Years, more in the whole than One Year's rack-rent thereof, in constructing or laying any such pipe or drain, or in providing any such privy, cesspool or ash-pit. 25

167.

Rates to be
levied on per-
sons holding,
using or occu-
pying Houses,
&c.

Every rate which the Commissioners are by this or the Special Act authorized to make or levy shall be made and levied by them, at yearly, half-yearly or such other periods, as they think fit, upon every person who occupies any of the prescribed kinds of property, or (if no property be prescribed) any house, shop, warehouse, counting-house, coach-house, stable, cellar, vault, building, workshop, manufactory, garden, land or tenement whatsoever (except as hereinafter is excepted), within the limits of the Special Act, or of the district where such rate is assessed on the occupiers of lands and buildings of a separate district as hereinbefore provided, according to the full net annual value thereof respectively; and the said rates shall be vested in the Commissioners, and shall be payable at such times 30 35

times as they appoint : Provided always, That every person occupying lands used as arable, meadow, or pasture ground only, or as woodlands, or market-gardens or nursery-grounds, shall be rated in respect of the same, in the prescribed proportion only, if no proportion be
 5 prescribed, in the proportion of One-third part only of such net annual value thereof as aforesaid.

Rates.

Exception in favour of the Holders of Lands, Nursery Grounds, &c.

Provided also, That no person shall be rated to any rate made in pursuance of this or the Special Act, in respect of tithes or of any church, chapel, meeting-house, or other building exclusively used for
 10 public worship, or any building exclusively used for the purposes of gratuitous education of the poor or of public charity, or any building or land belonging to the Commissioners.

168.
Exemptions from Rates.

The Commissioners may make any such rate as aforesaid, prospectively, in order to raise money to pay charges and expenses to
 15 be incurred thereafter, or retrospectively, in order to raise money to pay charges and expenses already incurred.

169.
Rates may be prospective or retrospective.

The Commissioners from time to time, before proceeding to make any rate, which by this or the Special Act, or any Act incorporated therewith, they are authorized to levy, shall cause an estimate to be prepared of the money required for the several purposes
 20 in respect of which they are authorized to levy such rate, showing the several sums required, the rateable value of the property assessable, and the rate on each pound of such value necessary to raise the money required, which estimate, after the same has been
 25 approved of by the Commissioners, shall be forthwith entered on the rate-book, to be kept by the Commissioners as hereinafter provided.

170.
Commissioners to cause estimates to be prepared before making a Rate.

Notice of the intention of making every rate authorized to be made under the provisions of this or the Special Act, or any Act
 30 incorporated therewith, and of the time at which the same is intended to be made, and of a place where a statement of the proposed rate is deposited for inspection by the rate-payers, shall be given by the Commissioners, by placards posted up in public places, and shall be advertised in some newspaper circulating within the limits
 35 of the Special Act, in the week immediately previous to such rate being made, or as nearly so as may be.

171.
Notice of Rate to be given.

Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the Form given in the Schedule (A.) annexed to this Act, or as near thereto as the circumstances of the case
 40 will admit of ; and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as

172.
Form of Rate.

the same can be ascertained; and every such rate shall be signed by not less than Six of the Commissioners.

173.
Rate to be
open to In-
spection of
Rate-payers.

The statement of the proposed rate, and the rate, immediately after the same is made, shall be open to the inspection of any person interested or rated in such rate at all reasonable times, and any such person may take copies or extracts from such statement or rate without paying anything for the same; and any person having the custody of such statement or rate who refuses or does not permit any person so interested or rated as aforesaid, to take copies or extracts from such statement or rate, shall, for every such offence, be liable to a penalty not exceeding Five Pounds.

174.
Rates may be
amended

The Commissioners may from time to time amend any rate made by virtue of this or the Special Act, by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier, or by inserting therein the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by raising or reducing the sum at which any person has been rated, if it appear to them that such person has been under-rated or over-rated, or by making such other amendments therein as will make such rate conformable to this and the Special Act; and no such amendment shall be held to avoid the rate: Provided always, That every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate, and no such alteration had been made; and as respects such person, the rates shall be considered to have been made at the time when he received notice of such alteration; and every person whose rates are altered shall be entitled to Seven Days' notice of such alteration before the rate shall be payable by him.

175.
Value of
property to
be according
to poor-rate.

The annual value of all property rateable under this or the Special Act shall be ascertained according to the next preceding assessment for the relief of the poor within the limits of the Special Act, except in such cases as are hereinafter mentioned.

176.
If poor-rate
an unfair
criterion, a
Valuation to
be made.

Provided always, That if at any time the rate for the relief of the poor within the limits of the Special Act be, in the judgment of the Commissioners, an unfair criterion by which the said rates should be made, they may cause a valuation to be made of all the rateable property within the limits of the Special Act, or of any such separate district as aforesaid, by some competent person appointed by them for that purpose, and the rates made by the Commissioners for the purposes of this Act shall be made upon such valuation, and in

in every such valuation the property rateable shall be computed at its net annual value, as defined by an Act made in the seventh year of his late Majesty, intituled, "An Act to regulate Parochial Assessments," or any other Act for the time being in force for regulating parochial assessment.

6 & 7 Will. 4.
c. 96.

Before any such valuation shall be made, the person appointed to make it shall make and subscribe a solemn declaration to make such valuation fairly and impartially according to the best of his judgment, and an entry or minute shall be made in the book of proceedings of the Commissioners of the making and subscribing of such declaration, and of the date thereof, and any Justice to whom application is made for that purpose shall administer such declaration.

177.
Valuer to
make a
declaration.

The Commissioners, or any person by them authorized, may from time to time inspect any of the rates for the relief of the poor in any parish, township or other district within the limits of the Special Act, and the books in which are contained all the assessments by which the same are made, and may take copies thereof or extracts therefrom respectively; and any person having the custody of such rates or assessments who does not suffer the Commissioners, or any person authorized by them, to inspect the same at reasonable times, or to take copies thereof or extracts therefrom, shall be liable to a penalty not exceeding Five Pounds for every such offence.

178.
Poor-rates to
be open to In-
spection by
Commis-
sioners.

When any property in respect of which the occupier would be liable to be rated to any sewer rate made under the provisions of this or the Special Act is unoccupied at the time of making such rate, the Commissioners shall rate and assess the owner of such unoccupied premises to such rate, and every such owner shall pay the amount of such rate: Provided always, That nothing herein contained shall affect the right herein reserved to recover any arrears of such rates from any future occupier of such premises.

179.
Owner to be
assessed to the
sewer rate if
the property
be unoccu-
pied.

When any property in respect of which any person is liable to be assessed as occupier to any rate under the provisions of this or the Special Act, or any Act incorporated therewith, other than the sewer rate, is unoccupied at the time of making any such rate, the Commissioners shall in every such case include such property in the said rate, describing it in the column appropriated to the name of the occupier as being "empty;" and if any person afterwards occupy such property during any part of the period for which such rate was made, the Commissioners shall insert in such rate the name of such occupier, and collect from such occupier or from the owner, if he be liable to pay the same, a portion of the said rate

180.
Unoccupied
Premises may
be included in
the Rates;
and the Rates
are to be
collected
if the
Premises are
afterwards
occupied.

proportioned to the time during which such person occupies such property, and every such person shall thereupon be deemed to all intents and purposes to be properly rated ; and all such rates may be collected and recovered from the person liable to pay the same under the provisions of this or the Special Act, in the same manner as other rates made payable thereunder : Provided always, That any person whose name is so inserted in such rate, and such owner as last aforesaid, may appeal against such rate to the Justices at special sessions, or to the next quarter sessions holden after such insertion of his name as aforesaid admitting of such appeal, in the same manner as he might have appealed if named in the rate : Provided also, That, except as aforesaid, no rate, other than the sewer rate, shall be payable by any person in respect of unoccupied premises. 5 10

181.
Owners of
Property not
exceeding 10%
per annum
net annual
value to pay
Rates instead
of Occupier.

The owners of all rateable property, of which the full net annual value does not exceed the prescribed sum, or (where no sum is prescribed) the sum of Ten Pounds, or which are let to weekly or monthly tenants, or in separate apartments, shall be rated to and pay the rates by this or the Special Act directed to be made, instead of the occupiers thereof. 15

182.
Not necessary
to name the
Owner where
unknown.

Whenever the name of any owner liable to be rated under the provisions of this or the Special Act is not known to the Commissioners or to the person making the rates, it shall be sufficient to rate such owner in the rate-book of the Commissioners as the owner of the property to be rated, by the designation of " the owner," without stating his name. 20 25

183.
Tenants
under exist-
ing leases to
repay the
Owner.

Provided always, That when any owner is rated in respect of any rateable property in the occupation of any tenant under any lease or agreement made prior to the passing of the Special Act, such tenant shall repay to the owner all sums paid by him during the continuance of such lease, on account of any rates under this or the Special Act payable by the occupier, unless it have been agreed that the owner shall pay all rates in respect of such property ; and every sum so payable by the tenant to the owner may be recovered, if not paid upon demand, as arrears of rent could be recovered from the occupier by the said owner. 30 35

184.
Occupiers
may be rated
if they think
fit.

Provided also, That the occupiers of any rateable property, being tenants thereof from year to year, may demand to be assessed for the same, and to pay the rates in respect thereof, made under the authority of this or the Special Act, and the Commissioners shall assess every such occupier so long as he duly pays the said rates.

AND

AND with respect to the Appeal to be made against any Rate ;
BE it Enacted, as follows :

Appeal.

If any person think himself aggrieved by any rate on the ground of inequality, unfairness or incorrectness in the valuation of any rateable property included therein, or in the amount assessed thereon, he may at any time within One Month after such rate is made, appeal to the Justices at any special sessions holden for the division within which the rateable property is situated for the purpose of considering appeals against the poor rates ; but no such appeal shall be entertained by such Justices in special sessions, unless Seven Days' notice in writing of such appeal be given by the aggrieved party to the Commissioners ; and at the special sessions for which such notice is given, or any adjournment thereof, the Justices there present shall hear and determine all objections to any such rate on the ground of inequality, unfairness or incorrectness in the valuation of any property included therein, or in the amount assessed thereon of which notice has been so given, but no other objection ; and their decision shall be final, unless the party impugning such decision, within Fourteen Days after the same is made, give notice in writing to the other party of his intention to appeal against such decision, stating in such notice the nature and grounds of such appeal, and within Five Days after giving such notice enter into a recognizance before some Justice of the Peace, with sufficient sureties conditioned to try such appeal at the then next quarter sessions at which the same can be tried, and to abide the order of and pay such costs as shall be awarded by the court at such sessions, or any adjournment thereof.

185.
Appeal to
Petty Ses-
sions on the
ground of in-
equality, &c.

Their deci-
sion binding
unless appeal
to Quarter
Sessions.

If any person think himself aggrieved by any rate made under the authority of this or the Special Act, or by any matters included in or omitted from the same, he may, at any time within One Month after the same is made, give notice of his intention to appeal to the next quarter sessions holden, not less than Fourteen Days after such notice ; but no such appeal shall be entertained at such quarter sessions, unless Fourteen Days' notice in writing of such appeal, stating the nature and grounds thereof, be given by the aggrieved party to the Commissioners : Provided always, That no such notice of appeal shall prevent the issuing of the warrant of distress for recovery of any such rate as hereinafter provided, or the execution thereof.

186.
Parties may
appeal to the
Quarter Ses-
sions against a
Rate.

The court shall hear and determine the appeal in a summary way at the quarter sessions for which any such notice of appeal is given, or at the following sessions, when the court thinks fit to adjourn the appeal to the following sessions ; and the decision of the court shall be final and conclusive on all parties.

187.
Quarter
Sessions to
hear appeal.

188.
Order in
Special Ses-
sions not to
be in force
pending
appeal.

No order of the said Justices in Special Sessions shall be of any force pending any appeal touching the same subject-matter to the court of quarter sessions having jurisdiction to try such appeal, or in opposition to the order of any such court on such appeal.

189.
On Appeal,
the Quarter
Sessions and
Petty Ses-
sions to have
same power of
amending and
quashing
Rates, and of
awarding
Costs, as in
Appeals
against Poor-
rates.

The Justices in special sessions, and the court of quarter sessions respectively shall, in any such appeal as aforesaid, have the same powers of amending or quashing the rate in respect of which the appeal is made, as are by law vested in courts of quarter sessions, for amending or quashing the rates for the relief of the poor within their jurisdiction, upon appeals against such rates, and shall likewise have respectively, in any appeal against any rate made under the authority of this or the Special Act, the same powers of awarding costs to be paid by or to any of the parties to the appeal, and of recovering such costs, as are now vested in them respectively for awarding and recovering costs in an appeal against any rate for the relief of the poor within their jurisdiction: Provided always, That if the said Justices or Court shall quash the rate in respect of which the appeal is made, then notwithstanding the quashing of such rate, all sums of money charged by such rate on any person charged by such rate, may, if the Justices or Court so order, be levied by such means and in the same manner as if no appeal had been made against such rate, and the money which any person charged on such rate pays, or which is recovered from him, shall be taken as a payment on account of the next effective rate made on him for the same purposes for which the rate so quashed was made.

190.
Order of Jus-
tices not to be
removed by
Certiorari.

No order of the Justices upon any such appeal as aforesaid shall be removed by certiorari or otherwise into any of Her Majesty's courts of record at Westminster.

*Recovery
of Rates.*

191.
Rates to be
recovered by
Distress.

AND with respect to the recovery of Rates; BE it Enacted, as follows:

If any person rated under the authority of this or the Special Act, fail to pay any of the said rates due from him for the space of Fourteen Days after demand thereof in writing by the Commissioners, or their collector, any Justice, on the application of the Commissioners, or their collector, may summon such person to appear before him at a time to be mentioned in the summons, to show cause why the rates due from him should not be paid, and in case no sufficient cause for the non-payment of such rate be shown, the same shall be levied by distress, and such Justice shall issue his warrant accordingly, or the Commissioners may recover the same by action of debt: Provided that if no sufficient distress whereon to levy the amount due in respect of such rates can be found within the jurisdiction of the said Justice, then upon oath

oath thereof made before any Justice of any other county or jurisdiction in which any goods or chattels of the person not paying the said rates may be found, such Justice shall certify the said oath by indorsing the said warrant, and thereupon the amount due in respect
 5 of the said rates, and unpaid by the said person, may be levied by distress of the goods and chattels of such person as assessed in the last-mentioned county or jurisdiction.

The warrant of distress for the recovery of any rate made payable by this or the Special Act, may be in the form or to the effect
 10 mentioned in Schedule (B.) to this Act annexed; and in all cases where a distress is hereby authorized to be made, every Constable authorized by the warrant to levy any sum mentioned therein, shall, upon being required by a collector of the rates, aid in making a distress or sale, pursuant to such warrant, and every Constable who
 15 refuses to do so shall be liable to a penalty not exceeding Five Pounds.

192.
 Form of Warrant of Distress.
 Constables to assist in making Distress.

In any proceeding to levy and recover or consequent on the levying or recovering of any rate under the provisions of this or the Special Act, the books of rates of the Commissioners and all
 20 entries made therein, in manner by this or the Special Act directed, by the production thereof alone, and without any evidence that the notices and other requirements of this or the Special Act have been given or complied with, or proof of the seal of the Commissioners if they are incorporated, or if not, then on proof of the signatures
 25 of the Commissioners whose names appear thereon or subscribed therein, shall be received as evidence of such rate and of the contents thereof.

193.
 Rate Books to be evidence.

If any person quit or be about to quit any rateable property before he has paid the rates then payable by him in respect
 30 thereof, and do not pay the same to the Commissioners or their collector on demand, any Justice having jurisdiction where such person resides, or his goods are found, may summon such person to appear before him at a time mentioned in the summons, to shew cause why the rates should not be paid, and if no sufficient cause
 35 for the non-payment of such rates be shown accordingly, the same shall be levied by distress, and such Justice shall issue his warrant accordingly.

194.
 Remedy against Persons quitting before Payment of Rates.

When any rate has been made for a particular period, and the owner or occupier who is rated to such rate ceases to be the owner
 40 or occupier of the property in respect whereof he is rated before the end of such period, such owner or occupier shall be liable to pay a portion only of the rate payable for the whole of such period, proportionate to the time during which he continued to be owner or occupier; and in every such case if any person after the making

195.
 Rates to be apportioned on Holder quitting.

of such rate become the owner or occupier of any property so rated as aforesaid during part of the period for which such rate was made, such person shall pay a portion of such rate proportioned to the time during which he held or occupied the property so rated, and the same shall be recovered from him in the same manner as if he had been originally rated for such property. 5

196.
Rates due
from Owner
may be re-
covered from
Occupier.

When the owner of any rateable property is rated in respect thereof under the authority of this or the Special Act, and the rate remains unpaid for Three Months, the Commissioners or their collector may demand the amount of such rate from the occupier for the time being of such rateable property, and on non-payment thereof, may recover the same by distress and sale of his goods and chattels, in like manner as rates may be recovered from the occupier of any property liable to be rated; and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid by or recovered from him. 10 15

197.
Occupier not
to be required
to pay more
than the
amount of
rent owing
by him.

Provided always, That no such occupier shall be required to pay, nor shall his goods and chattels be distrained for any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate, or which after such demand and after notice not to pay the same to his landlord, at any time accrues and becomes payable by him, unless he refuse, on application being made to him for that purpose, by or on behalf of the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burthen of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier. 20 25

198.
Occupier re-
fusing to give
Name of
Owner liable
to a Penalty.

If, on the request of the Commissioners, or of the collector of the said rates, the occupier of any property refuses or wilfully omits to disclose, or wilfully mis-states to the Commissioners or collector making such request, the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, any Justice of the Peace, on oath made before him of such request, and of such refusal or wilful omission or mis-statement, may summon the person who has so refused, or wilfully omitted or mis-stated as aforesaid, to appear at a time and place to be mentioned in such summons, before such Justice, or before some other Justice; and if the person so summoned neglect or refuse to attend at the time and place mentioned in the summons, or if he attend and do not show good cause to the Justice then present for such his refusal or wilful omission or mis-statement, such Justice, upon proof, in case of the neglect or refusal 30 35 40

refusal to attend as aforesaid, of the due service of the said summons, or on such attendance, may impose a penalty upon such person who has so refused, or wilfully made such omission or mis-statement, not exceeding the sum of Five Pounds.

- 5 The several persons who at the time of the passing of the Special Act are Surveyors of Highways for any township, or other district within the limits of the Special Act, may proceed for the recovery of any highway-rate made in such township or district, and then remaining unpaid, in the same manner as they might have done if
10 this and the Special Act had not been passed ; and they shall apply the money which they so recover, in the first place, in reimbursing themselves any expenses which they have incurred as such Surveyors as aforesaid, and in discharge of any debts legally owing from them in respect of the highways within such township or
15 district ; and the surplus (if any) arising from any buildings or lands within the limits of the Special Act, or a proportionate part thereof, shall be paid by them to the Treasurer to the Commissioners, and shall be applied to the same purposes as the rates by this or the Special Act authorized to be levied are directed to be applied.

199.
Surveyors of Highways may proceed for the Recovery of Arrears of Highway Rates.

- 20 AND with respect to the Application of Monies coming to the hands of the Commissioners ; BE it Enacted, That all the monies which shall come to the hands of the Commissioners, by virtue of this or the Special Act, shall be paid to the Treasurer of the Commissioners, or to such other person as they shall appoint ; and all
25 such monies shall, unless by the Special Act it be otherwise provided, be applied and disposed of as follows :

200.
CLAUSE (V.)
Application of monies.

Firstly. In defraying the charges and expenses which shall have been incurred in, or shall be incident to, the obtaining and passing of the Special Act :

- 30 Secondly. In paying the interest and instalments required to be annually paid or set aside of the principal monies borrowed, and which are from time to time due and owing on the credit of the rates, tolls, duties or assessments granted by the Special Act :

- 35 Thirdly. In defraying the costs, charges and expenses of carrying the several purposes of this and the Special Act into execution :

- 40 And lastly. In paying the principal monies due on the credit of the rates, tolls, duties and assessments granted by the Special Act, which are not required to be paid within a limited time.

AND with respect to the Bye-laws to be made by virtue of this or the Special Act ; BE it Enacted, as follows :

Bye-laws.

The Commissioners may from time to time make such Bye-laws as they think fit, for the several purposes for which they are

201.
Bye-Laws.

hereinbefore or by the Special Act empowered to make bye-laws, and from time to time repeal, alter or amend any such bye-laws, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect or the provisions of this or the Special Act, and be reduced into writing, and have affixed thereto the common seal of the Commissioners, if they be a body corporate, or the signatures of Two of the Commissioners if they be not a body corporate; and, if affecting other persons than the officers or servants of the Company, be confirmed and published as herein provided.

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202.
Bye-Laws
may be en-
forced by
Penalties.

The Commissioners, by the bye-laws so to be made by them, may impose such reasonable penalties as they think fit, not exceeding Forty Shillings, for each breach of such bye-laws: Provided always, That such bye-laws be so framed as to allow the Justices before whom any penalty imposed thereby is sought to be recovered, to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

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203.
Bye-laws to
be confirmed.

No bye-law made by the Commissioners under the authority of this or the Special Act, except such as relate solely to the Commissioners, or their officers or servants, shall come into operation until the same be confirmed in the prescribed manner, and if no manner of confirmation be prescribed, then not until it be allowed by some Judge of one of the superior courts, or by the Justices in quarter sessions; and it shall be incumbent on such Justices, on the request of the Commissioners, to inquire into any bye-laws tendered to them for that purpose, and to allow or disallow of the same as they think meet.

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204.
Notice of
confirmation
to be given.

No such bye-laws shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in one or more newspapers circulating within the limits of the Special Act, One Month at least before the hearing of such application; and any person desiring to object to any such bye-law, on giving to the Commissioners notice of the nature of his objection Ten Days before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.

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205.
A Copy of
proposed Bye-
laws to be
open to In-
spection.

For One Month at least previous to any such application for confirmation of any bye-law, a copy of the proposed bye-laws shall be kept at the principal office of the Commissioners; and all persons may, at all reasonable times, inspect such copy without fee or reward; and the Commissioners shall furnish every person who applies

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applies for the same with a copy thereof, or of any part thereof, on payment of Sixpence for every One hundred words so to be copied.

Such bye-laws, when confirmed, shall be published in the prescribed manner, and when no manner of publication is prescribed, they shall be printed, and the Clerk to the Commissioners shall deliver a printed copy thereof to every person applying for the same without charge; and a copy thereof shall be painted or placed on boards, which shall be hung up on the front or in some conspicuous part of the principal office of the Commissioners, and also on some conspicuous part of the works or locality to which the same relate; and such boards, with the bye-laws thereon, shall be from time to time renewed, as occasion requires, and shall be open to inspection without fee or reward; and any such Clerk who does not allow the same to be inspected at all reasonable times, shall for every such offence be liable to a penalty not exceeding Five Pounds.

206.
Publication
Bye-laws.

Such bye-laws, when so confirmed and published, shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same.

207.
Bye-laws to
be binding on
all Parties.

The production of a written or printed copy of the bye-laws requiring confirmation by a Judge of the Superior Courts or the Court of Quarter Sessions, authenticated by the signature of the Judge or of the Chairman of the Court which approved of the same, and a written or printed copy of the bye-laws not requiring such confirmation authenticated by the common seal of the Commissioners, if they be incorporated, or if not incorporated authenticated by the signatures of Two Commissioners, shall be evidence of the existence and of the due making of such bye-laws in all prosecutions under the same, without adducing proof of the signature of such Judge or Chairman, or the common seal or signatures of the Commissioners; and, with respect to the proof of the publication thereof, it shall be sufficient to prove that a board containing a copy thereof was affixed and continued in the manner by this Act directed; and in case of its being afterwards displaced or damaged, that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of the bye-law under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

208.
Evidence of
Bye-laws.

Any person who destroys, pulls down, injures or defaces any board on the premises of the Commissioners, on which any bye-law of the Commissioners is painted or placed, shall for every such offence be liable to a penalty not exceeding Five Pounds.

209.
Penalty on
pulling down
Boards.

210.
Tender of
Amends.

AND with respect to the tender of amends, BE it Enacted, That if any party have committed any irregularity, trespass or other wrongful proceeding in the execution of this or the Special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and, if no such tender have been made, it shall be lawful for the defendant by leave of the court where such action is pending, at any time before issue joined, to pay into court such sum of money as he thinks fit; and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court. 5 10

*Recovery of
Damages and
Penalties.*

AND with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices; BE it Enacted, as follows: 15

211.
Recovery of
Damages and
Penalties.

The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to Justices, shall be incorporated in this and the Special Act; and such clauses shall apply to the town or district within the limits of the Special Act, and to the Commissioners, and shall be construed as if the word " Commissioners " had been inserted therein instead of the word " Company." 20

212.
One Stipen-
diary Magis-
trate to act
for Two
Justices.

All things herein or in the Special Act, or any Act incorporated herewith, authorized or required to be done by Two Justices, may and shall be done by any One Magistrate having by law authority to act alone for any purpose with the powers of Two or more Justices. 25

213.
Receiver of
Metropolitan
Police District
to receive
Penalties in-
curred within
his District.

Every penalty or forfeiture imposed by this or the Special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police-constables, are directed to be recovered, enforced, accounted for, paid and applied by an Act passed in the third year of the reign of Her present Majesty, intituled, " An Act for regulating the Police Courts in the Metropolitan," and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject 30 35 40

2 & 3 Vict.
c. 71.

subject to the like appeal, and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction has been made shall have the same
 5 power of binding over the witnesses who have been examined, and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

- 10 Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than One-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence was committed, to
 15 be applied in aid of the poor-rates of such union.

214.
In Ireland
part of Penalties to be paid to Guardians of Unions.

Every person who, upon any examination upon oath, under the provisions of this or the Special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt Perjury.

215.
Persons giving false Evidence liable to Penalties of Perjury.

- 20 AND with respect to affording access to the Special Act; BE it Enacted, as follows :

*Access to
Special Act.*
—

- The Commissioners shall at all times, after the expiration of Six Months after the passing of the Special Act, keep in their principal office of business a copy of the Special Act, printed by the Printers
 25 to Her Majesty, or some of them; and shall also within the space of such Six Months deposit in the office of the Clerk of the Peace of the county in which the town or district within the limits of the Special Act is situated, a copy of such Special Act, so printed as aforesaid; and the said Clerk of the Peace shall receive, and he
 30 and the Commissioners respectively shall retain the said copies of the Special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in
 35 the first year of the reign of Her present Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

216.
Copies of Special Act to be kept and deposited, and allowed to be inspected.

7 W. 4, and
1 Vict., c. 83.

If the Commissioners shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the Special Act, they shall forfeit

217.
Penalty on Company failing to keep

or deposit
such Copies.

feit Twenty Pounds for every such offence, and also Five Pounds for every day afterwards during which such copy is not so kept or deposited.

218.
Act may be
amended this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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SCHEDULES

SCHEDULES

REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)—Sect. 172.

FORM of RATE.

AN Assessment to the Sewer Rate [or, other Rate, &c., as the case may be], for the [name the District or Town] made this _____ day of _____ in the year of our Lord 18____, after the rate of _____ pence in the Pound, by virtue of the [name Special Act].

No. on the Rate.	Name of Person rated.	Name of the Owner of Property rated.	Description and Situation of Property.	Gross Annual Value.	Full net Annual Value.	Rate at d. in the Pound.

Signed by us, this _____ day of _____ in the year of our Lord

A. B. }
 C. D. }
 E. F. } _____ Improvement
 G. H. } Commissioners.
 I. K. }
 L. M. }

SCHEDULE (B.)—Sect. 192.

FORM of WARRANT of DISTRESS for the Recovery of a Rate.

County of _____ }
 [or, Borough, &c.] }
 to wit.

WHEREAS complaint hath been duly made by _____ one of the
 collectors of rates to the _____ Improvement Commissioners
 that _____ of, &c., hath not paid and has refused to pay the sum of
 _____ duly assessed upon him in and by a certain rate for the said town
 [or, district] called the [here name the rate], bearing date on about the
 day of _____ in the year of our Lord 18____ and duly made according
 341. I to

to the directions and for the purposes of [here name the Special Act], although the same hath been duly demanded of him : And whereas it appears to me one of Her Majesty's Justices of the Peace in and for the said county [or, borough, &c.] as well upon the oath of one of the said collectors of rates, as otherwise, that the said sum of hath been duly demanded in writing by him from the said and that the said hath refused to pay the same for the space of Fourteen Days after such demand made, and doth refuse to pay the same : And whereas the said having appeared before me, in pursuance of my summons for that purpose, hath not shown to me any sufficient cause why the same should not be paid [or, And whereas it hath been duly proved to me upon oath, that the said hath been duly summoned to appear before me, to show cause why he refuseth to pay the said rate or assessment, but he the said hath neglected to appear according to the said summons, and hath not shown to me any sufficient cause why the same should not be paid :] These are, therefore, in Her Majesty's name, to command you to levy the said sum of by distress of the goods and chattels of the said and if the same shall not be paid within the space of days next after such distress by you taken, together with the reasonable charges of taking and keeping the same, that then you do sell the said goods and chattels by you distrained, and out of the money arising by such sale that you do detain the sum of and also your reasonable charges of taking, keeping and selling the said distress, rendering to him the said the overplus on demand ; and if sufficient distress cannot be found of the goods and chattels of the said whereon to levy the said sum of that then you certify the same to me, together with this warrant, to the end that such further proceedings may be had therein as to the law doth appertain. Given under my hand and seal the day of in the year of our Lord 18

J. P. (L. s.)

Towns Improvement Clauses.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For consolidating in one Act certain Provisions usually contained in Acts for Paving, Draining, Cleansing, Lighting, and Improving Towns.

*(Prepared and brought in by
Viscount Morpeth and Sir George Grey.)*

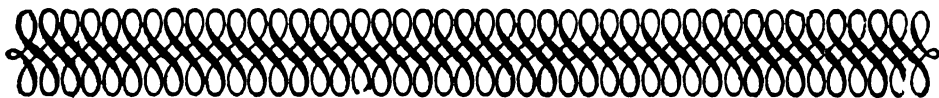
*Ordered, by The House of Commons, to be Printed,
3 May 1847.*

[*Price 9 d.*]

341.

Under 12 oz.

15 April 1847.—10 VICT.



A

B I L L

To facilitate the Transference of Lands and other Heritages
in Scotland not held in Burgage Tenure.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH ~~HEREAS~~ it is expedient to facilitate the Transference of Preamble.
Lands and other Heritages in Scotland, not held Burgage,
and to render the same less expensive, and for that purpose to
amend the law of Scotland relative thereto ;

5 May it therefore please Your MAJESTY,

That it may be Enacted ; ~~And be it Enacted~~, by The QUEEN's
most Excellent MAJESTY, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, THAT in
10 all dispositions and conveyances and other deeds and instruments
necessary for the transmission of Lands and other Heritages in
Scotland not held Burgage, in which all or any of the following
Clauses are necessarily or usually inserted, (videlicet) a Clause de-
claring the Term of Entry, a Clause of Obligation to infest, a Clause
15 of Resignation, a Clause of Assignation of Writs and Evidents, a
Clause of Assignation of Rents, a Clause of Obligation to free and
relieve of Feu-duties and Casualties due to the Superior and of
Public Burdens, a Clause of Warrandice, a Clause of Registration
for Preservation and Execution, and a Clause authorizing Sasine,
20 it shall be lawful and competent to insert all or any of such Clauses
in the Form, or as nearly as may be in the Form, set forth in
Schedule (A.) hereunto annexed ; and all or any of such Clauses, if
so inserted in any such disposition or conveyance or other deed or
instrument, shall be as valid, effectual, and operative, to all intents

1.
In Convey-
ances of
Land, &c. cer-
tain Clauses
may be in-
serted in the
short Forms
given in Sched-
ule (A.)

283.

A

and

and purposes as if they had been expressed in the fuller mode or form now generally in use.

2.
Explanation
of the import
of the Clause
of Obligation
to infest.

And be it Enacted, That the Clause of Obligation to infest, if the Clause shall be limited to an obligation to infest a me only shall be held to imply an obligation on the disponer to infest the disponee, and his heirs and assignees, in the subjects conveyed, upon their own charges and expenses, to be holden from the disponer and his heirs and successors of and under their immediate lawful superiors, in the same manner as the disponer himself, or his predecessors or authors, held, hold or might have holden the same, and that either by resignation or confirmation, or both, the one without prejudice of the other; and the said Obligation to infest, if granted to be holden a me vel de me, shall be held to imply an obligation on the disponer to infest the disponee and his heirs and successors, upon their own charges and expenses, by two several infestments and manners of holding, one thereof to be holden of the disponer and his heirs and successors in free blench, for payment of a Penny Scots in name of blench farm, at Whitsunday yearly, upon the ground of the land, if asked only, and freeing and relieving him and them of all feu-duties, and other duties and services exigible out of the said lands and others, by their immediate lawful superiors thereof; and the other of the said infestments to be holden from the granter and his foresaids, of and under their said immediate lawful superiors, in the same manner as the granter, or his predecessors or authors, held, hold or might have holden the same, and that either by resignation or confirmation, or both, the one without prejudice of the other.

3.
Explanation
of the import
of other
Clauses in
Schedule (A.)

And be it Enacted, That the Clause for resigning the Lands shall be held and taken as in all respects equivalent to a procuratory of resignation in the terms now in use; and, in the case of conveyances by a vassal to his superior, as equivalent to a procuratory of resignation ad remanentiam; and the Clause of Assignment of Writs and Evidents, unless specially qualified, shall be held to import an absolute and unconditional assignation to such writs and evidents; and the Clause of Assignment of Rents, unless specially qualified, shall be held to import assignation to the rents becoming due, and for the possession following the said term of entry, according to the legal and not the conventional terms, unless in the case of forehand rents, in which case it shall be held to import an assignation to the rents payable at the conventional terms subsequent to the date of entry; and the Clause of Warrandice, unless specially qualified, shall be held to imply absolute warrandice as regards the lands, and warrandice from fact and deed as regards the rents; and the Obligation

tion to free and relieve from Feu-duties, Casualties and Public Burdens, unless specially qualified, shall be held to import an obligation to relieve of all feu-duties or other duties and services or casualties payable to the superior, and of all public and parochial burdens
 5 exigible from or on account of the said lands, prior to the date of entry.

And be it Enacted, That in all cases where lands or other heritages are held under a deed of entail, it shall be lawful and competent, in dispositions and conveyances of such lands, and in the
 10 procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and all other deeds and instruments of what nature soever, necessary to transmit or complete a title under such entail in such lands, to omit the full insertion of the conditions and provisions, and prohibitory, irritant, and resolute clauses
 15 of such deed of entail, provided such conditions and provisions, and prohibitory, irritant, and resolute clauses shall be in such dispositions and conveyances, procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and other deeds and instruments aforesaid, specially referred
 20 to, as set forth at full length in the recorded deed of entail, if the same shall have been recorded in the register of tailzies, or as set forth at full length in any recorded instrument of sasine forming part of the progress of title-deeds of the said lands under the said entail, such reference being made in the terms, or as nearly as may be in
 25 the terms, set forth in Schedule (B.) hereunto annexed; and the reference thus made to such conditions and provisions, and prohibitory, irritant and resolute clauses, shall be held as legally equivalent to, and shall have the same legal effect as, the full insertion thereof, notwithstanding any law or practice to the contrary, or any
 30 injunction to the contrary contained in such deed of entail, and notwithstanding the enactments or provisions to the contrary contained in an Act of the Parliament of Scotland made in the year One thousand six hundred and Eighty-five, intituled, "Act concerning Tailzies," or any other Act or Acts of the Parliament of Scotland
 35 or of Great Britain now in force, all which are hereby repealed to the extent of making this enactment operative, but no further.

4.
 Conditions of Entail may be referred to as already in the Register of Entails or Register of Sasines.

And be it Enacted, That in all cases where lands or other heritages are held under any real burdens or conditions or limitations whatsoever, appointed to be fully inserted in the investitures
 40 of such lands, it shall, notwithstanding such appointment, and notwithstanding any law or practice to the contrary now existing, be lawful and competent, in dispositions and conveyances of such lands, procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and other deeds and instruments of what nature soever, necessary to transmit or complete the

5.
 Real Burdens may be referred to as already in the Register of Sasines.

feudal title thereto, to omit the full insertion of such real burdens or conditions or limitations; provided such real burdens or conditions or limitations shall, in such dispositions and conveyances, procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and other deeds and instruments 5 aforesaid, be specially referred to, as set forth at full length in the recorded instrument of sasine wherein the same were first inserted, or in any recorded instrument of sasine of subsequent date forming part of the progress of titles of the said lands, such reference being made in the terms, or as nearly as may be in the terms set forth in 10 Schedule (C.) hereunto annexed; and the reference thus made to such real burdens or conditions or limitations shall be held as legally equivalent to and shall have the same effect as the full insertion thereof, notwithstanding any law or practice to the contrary, and notwithstanding any Act or Acts of Parliament to the 15 contrary, which are hereby repealed to the effect of making this enactment operative, but no further.

6.

A party having right to Lands in virtue of a Decree of Special Service, or a Disposition, may obtain warrant to charge the Superior to enter him by Resignation.

And be it Enacted, That where any party shall have right to lands or other heritages in Scotland, as disponee under and by virtue of a disposition or conveyance, although the clauses thereof, 20 or any of them, may be expressed in the short form authorized by this Act, whether the said disposition or conveyance shall be directly in his favour, or he shall have right to the same by assignation or general service, it shall be lawful and competent for any such party to obtain warrant to charge the superior of such 25 lands and heritages to receive him, and grant new infeftment in his favour by resignation, in the same way and manner, and by the same form of procedure, as is provided by an Act passed in the twentieth year of the reign of his Majesty King GEORGE the Second, intituled, " An Act for taking away the Tenure of Ward- 30 holding in Scotland, and for converting the same into Blench or Feu- holding, and for regulating the Casualty of Non-entry in certain cases," and for certain other purposes in the title of the said Act set forth, reserving to the superior all his rights as by the said Act reserved, and all his defences against such charge. 35

7.

Superior may be compelled to grant Entries by Confirmation.

AND whereas the entry of heirs and disponees by charter of confirmation from the superior is in daily use and practice, and such form and mode of entry is in many cases more convenient than entry by resignation, without being of prejudice to the interests of 40 the superior; BE it Enacted, That where any person shall be infeft in lands or heritages in Scotland holden of a subject-superior, but by sasine not proceeding upon a precept from the said superior, or not duly confirmed by him, it shall be lawful and competent for such

such person, upon production to the Lord Ordinary on the Bills in the Court of Session of his sasine in the said lands and warrants of the same, and upon showing the terms and conditions under which the said lands are holden of the superior thereof, to obtain warrant
 5 for letters of horning to charge the said superior to grant in favour of such party a charter of confirmation, in the same way and form as is provided by the said last-recited Act, for compelling entry by resignation: Provided always, That the charger shall at the same time pay or tender to such superior such fees or casualties as he
 10 is by law entitled to receive upon the entry of the charger; and that it shall be lawful for every such superior to show cause why he ought not to be compelled to give obedience to such charge by offering a note of suspension to the Court of Session, in the usual manner: And provided always, That such superior shall be entitled
 15 to insert in the charter to be granted by him the clauses of tenendas and reddendo contained in the former charters of such lands and heritages, and all other clauses and conditions contained therein, in so far as the same are usual and necessary, and are not set forth in such instrument of sasine, or duly and effectually
 20 referred to in terms of this Act, or of an Act passed in the present Session of Parliament, intituled, "An Act to amend the Law and Practice of Scotland as to the Service of Heirs:" Provided always, That where such clauses and conditions are set forth in such instruments of sasine, or duly and effectually referred to in terms of this
 25 Act, or the said last-recited Act, the same shall not, without the vassal's consent, be repeated at length in such charter of confirmation.

And be it Enacted, That where any charter of confirmation, whether granted by Her Majesty or Her Royal Successors, or by
 30 the Prince of Scotland, or by a subject-superior, shall confirm the lands therein contained themselves, and the instrument of sasine therein in favour of the person requiring and receiving such charter, such charter may be expressed in the form set forth in Schedule (D.) hereunto annexed, and, in whatever form expressed, shall be held
 35 to confirm in favour of such person, so far as regards such lands, the whole dispositions and instruments of sasine, and other deeds, instruments and writings, of and concerning the same necessary to be confirmed in order to complete such person's investiture in the lands as immediate vassal of such superior, and that although such
 40 deeds, instruments and writings may not be enumerated or set forth in such charter:

8.
 Charters of Confirmation in the Form of Schedule (D.) to imply a general Confirmation of all the Title-deeds of the Lands.

AND whereas the remedy afforded for obtaining an entry under the present procedure by declarator of tinsel of superiority is in many respects defective; BE it Enacted, That where the person

9.
 Where Superior's Title incomplete, Owner may in certain cases apply to

Lord Ordinary on the Bills to ordain him to complete his Title and grant an entry, under pain of Forfeiture.

having right to the superiority of any lands, which superiority shall not be defeasible at the will of the vassal or disponent, shall not have completed his feudal title thereto so as to enable him to enter any heir or disponent of the vassal last publicly infeft in the said lands, or any adjudger from him or other party in his right, and where 5
such heir, disponent, adjudger, or other party, if such person had been infeft in the superiority, would have been entitled to compel entry in virtue of this Act, or of the said recited Act passed in the twentieth year of the reign of his Majesty King GEORGE the 10
Second or otherwise, it shall be competent to such heir, disponent, adjudger, or other party, provided the annual reddendo attached to such superiority shall not exceed *Five Pounds* sterling in value or amount, to present a petition to the Lord Ordinary on the Bills, in the form, or as nearly as may be in the form given in Schedule (E.), No. 1, hereunto annexed, praying for warrant of service on such 15
person, and for decree in the terms set forth in such petition; and the Lord Ordinary on the Bills shall pronounce an order for service of such petition, in terms of the interlocutor given in Schedule (E.), No. 2, hereunto annexed; and if, after such service, and the expiration of the days of intimation, such person shall not comply with 20
the demand of the petition, by completing his title and granting entry to the petitioner as aforesaid, or shall not show reasonable cause to the Lord Ordinary why he delays or refuses so to do, he shall forfeit and amit all right to the said superiority, and the Lord Ordinary shall pronounce decree or judgment accordingly, to the 25
effect of entitling the petitioner, and his heirs and successors in the said lands in all time thereafter, to hold the same as vassals immediately of and under the next over-superior, by the tenure, and for the reddendo, by and for which the forfeited superiority was held, all in the form, or as nearly as may be in the form given in 30
Schedule (E.), No. 3, hereunto annexed; and such decree or judgment, when extracted, shall enable the petitioner to apply to such over-superior, as his immediate superior, for an entry accordingly: And it is hereby provided, That in the renewed investiture to be so obtained by the petitioner under the authority of the said decree, the 35
tenendas and reddendo contained in the title-deeds of the forfeited superiority shall be inserted in room of those contained in the investiture of the petitioner's predecessor or author, and the lands shall be held by the petitioner and his successors according to the tenure of the forfeited superiority in all time thereafter; and the renewed 40
entry in the petitioner's favour may be expressed in one or other of the forms given in Schedule (I.) hereunto annexed.

10.
Or owner may, in such case, apply to Lord Ord.

And be it Enacted, That if, in the case aforesaid, the annual reddendo shall exceed in value or amount the sum of *Five Pounds* sterling,

sterling, or in the option of the said heir, disponee, adjudger or other party, whether the said annual reddendo shall exceed the said sum of *Five Pounds* sterling or not, it shall be lawful for such heir, disponee, adjudger or other party to present a petition to the Lord Ordinary on the Bills, in the form, or as nearly as may be in the form of Schedule (F.), No. 1, hereunto annexed, praying for warrant and decree as there set forth, and the Lord Ordinary shall pronounce an order for service in terms of the interlocutor given in Schedule (F.), No. 2, hereunto annexed; and if after such service and expiration of the days of such charge, such person shall not comply with the demand of the petition, by completing his title and granting entry to such petitioner as aforesaid, or shall not show reasonable cause to the Lord Ordinary why he delays or refuses so to do, he shall forfeit and amit all right to the fees and casualties payable on the entry of such petitioner, who shall also be entitled to retain his feu-duties or other annual prestations, until fully paid and indemnified for all the expenses of the petition and procedure thereon, and all the expenses of completing his title in terms of this Act; and the Lord Ordinary shall pronounce interim decree to that effect, and grant interim warrant for such petitioner applying for and obtaining an entry from the Crown or Prince of Scotland, as acting in the vice of such superior, all in the form, or as nearly as may be in the form given in Schedule (F.), No. 3, hereunto annexed; and such petitioner shall be entitled forthwith to lodge, along with an extract of the said decree, in the office of the Presenter of Signatures, a draft of a proposed charter or precept from the Crown or Prince, as in vice of such superior, with a short note in terms of the Act passed in the present Session of Parliament, to alter and amend the practice in Scotland with regard to Crown-charters and precepts from Chancery; and such charter or precept, for which the said extract-decree shall be a sufficient warrant, may be in the form given in the Schedule (H.) hereunto annexed, and shall be as effectual as if granted by the immediate superior of the feu when duly infeft in the superiority; and after completion of his title, such petitioner shall be entitled, if he thinks fit, to lodge, as part of the proceedings under the said petition, an account of the expenses of that process, and of completing his title, and the Lord Ordinary shall, if required on the part of such petitioner, modify the amount thereof, and decern for retention of the amount thereof as aforesaid, in the form given in Schedule (F.), No. 4, hereunto annexed.

nary on the Bills to authorize application for an entry to the Crown or Prince, as in vice of the recusant Superior.

And be it Enacted, That the lands and others contained in such charter or precept to be so obtained, shall be holden of the Crown or Prince, as in the vice of the unentered immediate superior, while and so long as he and his successors, the immediate superiors thereof,

11.
Lands to be held temporarily of the Crown or Prince.

shall remain unentered, and thereafter until a new entry in favour of the vassal or his successors shall become requisite.

12.
The party in right of the superiority may lodge a minute tendering relinquishment of his right, and if accepted by the Petitioner, the Lord Ordinary may interpose his authority.

And be it Enacted, That when a petition shall be presented as aforesaid, praying for warrant of service, and for decree against any person so having a right to the superiority of any lands, and not having completed his feudal title thereto, whether the annual reddendo shall be above or below the value or amount of *Five Pounds* sterling, it shall be competent for him at any time before expiration of the days of intimation, or before interim decree shall have been extracted as aforesaid, to lodge, as part of the proceedings under such petition, a minute, signed by himself, or by his mandatory or agent, duly authorized by him in writing, stating that he tenders relinquishment of the right of superiority which he holds on apparenacy in favour of the petitioner and his heirs and successors; and such minute shall be in the form, or as nearly as may be in the form, given in Schedule (G.), No. 1, hereunto annexed; and if the petitioner shall by himself or his counsel or agent subscribe or indorse upon such minute an acceptance of the same in the form given in Schedule (G.), No. 2, hereunto annexed, the Lord Ordinary shall have power, and is hereby required, on the petitioner's motion, to interpose his authority to such minute and acceptance, and to decern and declare the right of superiority thus relinquished to be extinguished, to the effect of making the petitioner and his successors in the said lands hold the lands as vassals immediately of and under the superior of the relinquished superiority in permanency, and by the tenure and for the reddendo by and for which such relinquished superiority was held, the decree so to be pronounced to be in the form, or as nearly as may be in the form, of Schedule (G.), No. 3, hereunto annexed; and the said decree, when extracted, shall entitle the petitioner and his foresaids to apply for an entry to such superior accordingly as his immediate superior, and in the renewed investiture to be obtained by the petitioner under the authority of the said decree, the tenendas and reddendo contained in the title-deeds of the relinquished superiority shall be inserted in room of those contained in the investiture of the petitioner's predecessor or author, and the lands shall be held by himself and his successors according to the tenure of the relinquished superiority in all time thereafter; and the renewed entry in the petitioner's favour may be expressed in one or other of the forms given in Schedule (I.), hereunto annexed; but nothing herein contained shall be held as rendering it imperative on the petitioner to accept of the offered relinquishment, and to take the place of his immediate superior; it being hereby provided, that if he prefers it, he shall be entitled to refuse the same, and to complete his title by entry from the

the Crown or Prince of Scotland, as in the vice of his immediate superior.

And be it Enacted, That the investiture thus completed upon the forfeiture or relinquishment of the superiority by such heir-apparent, and acceptance by the petitioner shall, in all respects
 5 and to all intents and purposes, be as effectual as if such apparent heir had completed his titles to the superiority, and thereafter conveyed the same to the petitioner, and the latter, after completing his titles under the over-superior, had resigned ad remanentiam in
 10 his own hands: Provided always, That the title so completed shall not in any respect extend the interests of such over-superior, but that he shall be entitled to the same casualties, whether taxed or untaxed, to which he would have been entitled if such apparent heir had remained his vassal, or as if, after conveyance to the petitioner
 15 by such apparent heir, the petitioner, after completing his titles, had not resigned ad remanentiam in his own favour.

13
 Over-superior's Rights not to be extended or affected.

Provided always, and be it Enacted, That in the case of such forfeiture or relinquishment of superiority by any apparent heir in manner above mentioned, the vassal obtaining or accepting the
 20 same, and making up titles under the over-lord, shall be liable, but subject always to retention of expenses as aforesaid, for the value of the said superiority to the said heir-apparent, or any person in his right, or having interest, as accords of law; and such forfeiture or relinquishment by such heir-apparent shall not infer a passive
 25 representation on his part, nor any liability for the debts of the person last infest therein, beyond the price, if any, which he may receive for such forfeiture or relinquishment; and the vassal, if he accepts thereof, shall not be accountable in any case for more than the value or price of the forfeited or relinquished right.

14.
 Vassal obtaining or accepting forfeiture or relinquishment of superiority to be liable for its value, but forfeiture or relinquishment not to infer representation.

AND whereas by the law of Scotland as now existing, a precept of clare constat from a subject superior to his vassal is held to lapse and become ineffectual, if sasine is not passed thereon in the lifetime of the granter, which is attended with inconvenience; BE it Enacted, That all precepts of clare constat already made and granted, and
 35 still subsisting in force, and all precepts of clare constat to be made and granted hereafter, shall, notwithstanding the death of the granter thereof, remain in full force and effect during the whole lifetime of the grantee, and shall continue effectual as a warrant for giving infestment to the grantee in terms thereof at any time
 40 during the grantee's life.

15.
 Precepts of clare constat not to fall by death of the granter.

And be it Enacted, That it shall no longer be competent to use letters of general charge, or special charge, or general special
 283. B charge,

16.
 General and special and general special Charges

to be no
longer com-
petent.

charge, but in an action of constitution of an ancestor's debt or obligation against his unentered heir, the citation on an execution of the summons in such action shall be held to imply and be equivalent to a general charge, the induciæ of which shall expire with the induciæ of such summons, and shall infer the like certification with such general charge; and it shall thereafter be competent to adopt under such summons the same procedure, in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of general charge duly executed against such heir, according to the existing law and practice: And in an action of adjudication against such heir following on such decree of constitution, or in an action of adjudication against an unentered heir for his own debt, the citation on and execution of the summons of adjudication shall be held to imply and be equivalent to a special charge or general special charge, as the circumstances may require, the induciæ of which charge shall expire with the induciæ of such summons, and shall infer the like certification with such special charge, or general special charge, as the case may be; and it shall thereafter be competent to adopt under such summons the same procedure in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of special charge, or general special charge, as the case may be, duly executed against such heir, according to the existing law and practice: And in an action of constitution and adjudication combined in the same summons against an unentered heir, it shall be competent to adopt the same procedure in all respects, and to pronounce the same decree which would have been competent had such summons been preceded by letters of general charge duly executed against such heir according to the existing law and practice; and in such combined action of constitution and adjudication it shall be competent to pronounce decree of constitution and adjudication in one and the same interlocutor, and to extract the same in one and the same extract; anything in an Act of the Parliament of Scotland passed in the year One thousand five hundred and Forty, chapter One hundred and six, and in an Act of said Parliament of Scotland passed in the year One thousand six hundred and Twenty-one, chapter Twenty-seven, or in any other Act or Acts of Parliament to the contrary of these enactments notwithstanding, the said Acts being hereby repealed to the extent of making these enactments operative, but no further.

17.
Bill for Sum-
monses of Ad-
judication dis-
pensd with.

And be it Enacted, That it shall no longer be necessary that a summons of adjudication be preceded by a bill, such bill being hereby abolished.

AND

AND whereas it has been found inconvenient in practice to libel and conclude for general adjudication of lands as the alternative only of special adjudication in terms of an Act of the Parliament of Scotland passed in the year One thousand six hundred and Seventy-two, chapter Nineteen; BE it Enacted, That it shall no longer be necessary to libel or conclude for special adjudication; and it shall be lawful to libel and conclude and decern for general adjudication without such alternative; any thing in the said last-mentioned Act, or in any other Act of Parliament, to the contrary notwithstanding, the said last-mentioned Act and such other Acts being hereby repealed to the effect of making this enactment operative, but no further.

18.
Unnecessary
to libel and
conclude for
Decree of spe-
cial Adjudi-
cation.

AND whereas a party who has obtained decree of adjudication is frequently exposed to inconvenience from the delay which may occur in obtaining infestment in the lands adjudged; BE it Enacted, That it shall be lawful for the Judges of the Court of Session, when pronouncing decree of adjudication, whether for debt or in implement, to grant warrant in terms, or as nearly as may be in terms of Schedule (K.) hereunto annexed, for infesting the adjudger and his heirs and successors in the lands and others adjudged, to be holden by them alternatively by two several infestments and manners of holding, one thereof to be holden of the party adjudged from and his heirs in free-bleuch, for payment of a Penny Scots in name of bleuch-farm at Whitsunday yearly, upon the ground of the said lands, if asked only, and freeing and relieving the party adjudged from and his heirs of all feu-duties and services exigible out of the said lands by their immediate lawful superiors thereof; and the other of the said infestments to be holden from the party adjudged from and his heirs, of and under their immediate lawful superiors, in the same manner that the party adjudged from his predecessors and authors, held or might have holden the same, and that either by charter of adjudication or confirmation, or both, the one without prejudice of the other; and the adjudger and his foresaids shall, in virtue of such decree of adjudication, be entitled to complete their title either according to the present practice by obtaining a charter of adjudication from the superior of the lands and passing infestment thereon, or by taking base infestment in virtue of the warrant contained in such decree, which infestment may be in the form given in Schedule (L.) hereunto annexed, and shall with the decree of adjudication be an effectual infestment in the said lands in terms of such decree, holding base of the party adjudged from and his heirs, until confirmation thereof shall be granted by the immediate superior of the lands, or his successors, in the same manner and to the same effect as if the party adjudged from had granted a

19.
Decrees of
Adjudication
to contain
Warrant for
Infestment a
me vel de me,
and Infest-
ment may
follow accord-
ingly.

disposition of the lands to the adjudger in the terms of the decree of adjudication, with an obligation to infest a me vel de me, and a precept of sasine, and the adjudger had been infest on such precept; and the superior or his foresaids shall be bound, on demand by the adjudger, to grant a charter of confirmation of the infestment thus proceeding on such decree of adjudication, and the effect of such charter shall be to make the lands hold immediately of and under such superior; but the right of the superior to the composition payable by an adjudger, as due under the existing law, is hereby reserved entire, and the adjudger or his foresaids, by passing infestment on the decree of adjudication in manner above mentioned, shall become indebted in such composition to the superior, and shall be bound to pay the same upon the superior's tendering a charter of confirmation, whether such charter shall be accepted or not, and the superior shall be entitled to recover payment of such composition as accords of law; and it is hereby provided that such infestment, duly recorded, shall, without prejudice to any other diligence or procedure, be of itself sufficient to make the adjudication effectual in all questions of bankruptcy or diligence.

20.
Judgment of
Lord Ordinary
on the
Bills subject
to review of
Inner House,
and Judgments in certain cases to be final.

And be it Enacted, That any judgment pronounced by the Lord Ordinary in virtue of this Act shall be subject to review by a reclaiming note in ordinary form; but the judgment of the Lord Ordinary, if not so brought under review, and the judgment of either Division of the Court upon such reclaiming note, whether such judgments shall have been pronounced in absence of the respondent or not, shall be final and conclusive, and not subject to review by appeal to the House of Lords, or by reduction, or in any other mode or form whatever; and it shall be competent to the Lord Ordinary, or to either Division of the Court reviewing any judgment of the Lord Ordinary, if it shall appear to him or them to be just in the whole circumstances of the case, to find and decern in ordinary form for the expenses of any proceedings under this Act against the petitioner or respondent personally.

21.
Court of Session may make Acts of Sederunt.

And be it Enacted, That it shall be lawful to the Court of Session to pass such Act or Acts of Sederunt as the Court may deem proper for carrying into effect the purposes of this Act.

22.
Interpretation Clause.

And be it Enacted, That in construing this Act, except where the nature of the provision or the context of this Act shall be repugnant to such construction, the words "superior," "vassal," "granter," "grantee," "disponer," and "disponée," shall extend to and include the heirs, successors and representatives of such superior, vassal, granter, grantee, disponer or disponée respectively; and the word "lands"

shall include all other heritable subjects ; and all words used in the singular number shall be held to include several persons or things ; and all words importing the masculine gender shall extend and be applied to females as well as males.

5 And be it Enacted, That this Act shall take effect from and after the
One thousand eight hundred and Forty-seven.

23.
Act when to
take effect.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

24.
Act may be
amended or
repealed.

REFERRED TO IN THE FOREGOING ACT.

Keywords: child sexual abuse; disclosure; social support

Note.—The clauses are assumed here as occurring in a disposition, but they may be used in other deeds and instruments; and, in the event of its being necessary to omit, vary, or qualify any one or more of them, this may be done, and the other clauses may be retained.

And in subsequent clauses of the deed, in which it is requisite or usual to refer again to the conditions of the entail, the reference may be made thus:—"But always with and under the conditions, provisions, restrictions, limitations, clauses irritant and resolute, declarations and reservations before referred to."

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SCHEDULE (C.)

INSTEAD of inserting the burdens, &c. at length, these may be referred to as follows, viz.:—" But always with and under the burdens, conditions, provisions, restrictions, limitations and obligations [or such of these as may apply to the case], specified in an instrument of sasine in the said lands and others, [here describe the sasine in which the burdens, &c. were first inserted, or any subsequent sasine in which they are inserted, forming part of the progress of the titles to the lands, the sasine being described by the name of the party in whose favour it was passed, the register in which it is recorded, and the date of registration; or, if it is previously referred to in the disposition, say, in the said instrument of sasine in favour of the said above referred to."]

And in subsequent clauses in which it is requisite or usual to refer again to the burdens, &c., the reference may be made thus:—" But always with and under the burdens, conditions, provisions, restrictions, limitations, and obligations, [or such of these as may apply to the case] before referred to."

SCHEDULE (D.)

I, A. B., immediate lawful superior of the lands and others after mentioned, do hereby confirm for ever to and in favour of C. D. [here name the party in whose favour the charter is granted] and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages to be confirmed; and if under burdens, &c., use the form in Schedule (C.)] and an instrument of sasine in the said lands and others in favour of the said C. D. recorded in the [here describe the register in which the instrument is recorded] on the day of or of whatever other date or tenor the said instrument of sasine may be,—To be holden, the said lands and others, immediately of me and my successors, superiors thereof, in free-bleuch [or, in feu-farm, as the case may be] for ever, paying therefor a Penny Scots yearly of bleuch-duty, if asked only [or, if held in feu-farm, specify the other payments and services.] And I consent to the registration hereof. In witness whereof [here insert the testing clause in the usual form.]

SCHEDULE (E.)

No. 1.

UNTO the Honourable the Lord Ordinary on the Bills,—the Petition of A. B.,—Humbly sheweth, That, by disposition dated the granted by C. D. of , the said C. D. disposed to the petitioner, All and Whole [here describe the subjects as in the disposition] to be held of the disponent's superior, with warrants of resignation and sasine.

That the petitioner's author, the said C. D., held the said lands and others of and under the late E. F. as his immediate lawful superior, for an annual reddendo not exceeding in value or amount Five Pounds sterling. That G. H. is the eldest son [or whatever other relation he is] and apparent heir of the said E. F., and as such has right to the superiority of the said lands and others, but he has not made up a feudal title thereto, and is therefore not in a situation to grant entry to the petitioner, although demanded from him by the petitioner, who now applies to your Lordship for redress in terms of the Act, [here mention this Act] and produces the above-mentioned disposition in his favour.

May it therefore please your Lordship, in terms of the said Act, to grant warrant for serving this petition on the said G. H. personally, or at his dwelling-place, [here add a prayer for edictal citation in the usual form if the party is furth of Scotland, or in Orkney or Shetland], and to ordain him within Thirty Days after the date of such service [or within Sixty Days if he be furth of Scotland or in Orkney or Shetland] to procure himself entered and infeft in the said lands and others, and to enter the petitioner in the same, on payment of the fees and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that, if he fail, he shall forfeit and amit all right to the said superiority; and, in the event of the said G. H. failing so to complete his title and grant entry to the petitioner, or to show reasonable cause why he delays or refuses so to do, to find and declare that the said G. H. has forfeited and amitted all right to the said superiority, and that the petitioner and his heirs and successors are entitled to hold the said lands and others in all time coming as vassals immediately of and under the next over-superior, by the tenure and for the reddendo by and for which the forfeited superiority was held. According to justice, &c.

Note.—The above form is applicable to the case where the petitioner requires a charter of resignation. In other cases the form must be varied, so far as necessary, to suit the circumstances.

No. 2.

THE Lord Ordinary grants warrant to Messengers-at-arms to serve the said petition and this deliverance on the said G. H., as prayed for; and ordains the said G. H., within *Thirty Days* [or *Sixty Days*, as the case may be] after the date of such service, to procure himself entered and infeft in the lands and others described in the petition, and to enter the petitioner in the same, on payment of the fees and casualties exigible on such entry; or else to show cause for delaying or refusing to do so; with certification, that, if he fail, he shall forfeit and amit all right to the said superiority in terms of the said Act.

No. 3.

THE Lord Ordinary having resumed consideration of the said petition, with the execution thereon, now expired,—In respect the said G. H. has not shown cause for delaying or refusing to complete his title to the superiority, and to grant an entry to the petitioner, Finds and declares, that the said G. H. has forfeited and amitted all right to the said superiority, and that the petitioner and his heirs and successors are entitled to hold the lands and others described in the petition, in all time coming, as vassals immediately of and under the next over-superior, by the tenure and for the reddendo by and for which the said forfeited superiority was held: Grants warrant to the petitioner and his foresaids to apply for and obtain an entry in the said lands and others from the said over-superior, in the terms foresaid, and decerns.

SCHEDULE (F.)

No. 1.

UNTO the Honourable the Lord Ordinary on the Bills,—the Petition of A. B.—Humbly sheweth, That, by disposition dated the _____ granted by C. D. of _____, the said C. D. disponed to the petitioner All and Whole [here describe the subjects as in the disposition], to be held of the disposer's superior, with warrants of resignation and sasine.

That the petitioner's author, the said C. D., held the said lands and others of and under the late E. F. as his immediate lawful superior; That G. H. is the eldest son [or whatever other relation he is] and apparent heir of the said E. F., and as such has right to the superiority of the said lands and others, but he has not made up a feudal title thereto, and

and is therefore not in a situation to grant entry to the petitioner, although demanded from him by the petitioner, who now applies to your Lordship for redress in terms of the Act [here mention this Act], and produces the above-mentioned disposition in his favour.

May it therefore please your Lordship, in terms of the said Act, to grant warrant for serving this petition on the said G. H. personally, or at his dwelling-place, [here add a prayer for edictal citation in the usual form, if the party is furth of Scotland or in Orkney or Shetland], and to ordain him within *Thirty Days* after the date of such service [or within *Sixty Days* if he be furth of Scotland or in Orkney or Shetland] to procure himself entered and infeft in the said lands and others, and to enter the petitioner in the same, on payment of the fees and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that, if he fail, he shall forfeit and amit all right to the fees and casualties payable on the entry of the petitioner, and that the petitioner shall be entitled to retain from him and his successors, as immediate superiors, the yearly feu-duties and whole other prestations, until fully paid and indemnified for all the expenses of this petition and procedure to follow hereon, and for all the expenses of completing the petitioner's title in terms of the said Act; and thereafter, on resuming consideration of this petition, with or without answers, to find and declare that the said G. H. has forfeited and amitted all right to the fees and casualties payable on the entry of the petitioner, and that the petitioner is entitled to retain from him and his successors, as immediate superiors, the yearly feu-duties and whole other prestations until fully paid and indemnified for all the expenses of this petition, and of the procedure to follow hereon, and for all the expenses of completing the petitioner's title in terms of the said Act; and also to grant warrant to the petitioner to apply for and obtain an entry in the said lands and others from the Crown or Prince of Scotland, as acting in the vice of the said G. H., and to authorize decree to the above effect to be extracted ad interim; and thereafter, upon the completion of the petitioner's title by an entry from the Crown or Prince of Scotland as aforesaid, to remit the accounts of the expenses of this petition and procedure hereon, and of the expenses of completing the petitioner's title, to the auditor to tax the same and to report, and to modify the amount of the said expenses, and to decern for retention of the amount thereof as aforesaid; or to do otherwise in the premises as to your Lordship shall seem just.—According to justice, &c.

Note.—The above form is applicable to the case where the petitioner requires a charter of resignation. In other cases the form must be varied, so far as necessary, to suit the circumstances.

No. 2.

THE Lord Ordinary grants warrant to Messengers-at-arms to serve the said petition and this deliverance on the said G. H., as prayed for; and ordains the said G. H., within *Thirty Days* [or *Sixty Days*, as the case may be] after the date of such service, to procure himself entered and infeft in the lands and others described in the petition, and to enter the petitioner in the same, on payment of the fees and casualties exigible on such entry; or else to show cause for delaying or refusing to do so; with certification that, if he fail, he shall forfeit and amit all right to the fees and casualties payable on the petitioner's entry, and this the petitioner shall be entitled to retain from him and his successors, as immediate superiors, the yearly feu-duties, and whole other prestations, until fully paid and indemnified for the expenses of the petition and procedure thereon, and for all the expenses of completing the petitioner's title, in terms of the said Act.

No. 3.

THE Lord Ordinary having resumed consideration of the said petition, with the execution thereon, now expired,—In respect the said G. H. has not shown cause for delaying or refusing to complete his title to the superiority, and to grant an entry to the petitioner, Finds and declares, that the said G. H. has forfeited and amitted all right to the fees and casualties payable on the entry of the petitioner, and that the petitioner is entitled to retain from him and his successors, as immediate superiors, the yearly feu-duties and whole other prestations until fully paid and indemnified for all the expenses of the said petition and procedure thereon, and for all the expenses of completing the petitioner's title: Grants warrant to the petitioner to apply for and obtain an entry in the lands and others described in the petition from the Crown or Prince of Scotland, as acting in vice of the said G. H., and decerns; and allows this decree to go out and be extracted ad interim. And on the petitioner's title being completed, appoints accounts of the expenses of the petition and procedure thereon, and of completing the title, to be lodged; and remits the same, when lodged, to the auditor to tax and report.

No. 4.

THE Lord Ordinary approves of the auditor's report on the petitioner's accounts of expenses, modifies the same to £. sterling; and decerns against the said G. H. for payment thereof to the petitioner, by retention, as prayed for.

SCHEDULE (G.)

No. 1.

MINUTE of Relinquishment by ———, as Heir-apparent of ———, in the Lands after mentioned, in the Petition at the instance of [here name and describe the Petitioner.]

I, A. B., eldest lawful son [or whatever relation he may be] and nearest lawful heir of C. D., the person last infeft in the superiority of the lands of [here describe the lands fully] which right of superiority is holden immediately of and under the Crown [or other over-lord, as the case may be,] do absolutely and gratuitously [or, if any price paid, say "in consideration of £. sterling to be paid to me,"] relinquish and renounce the superiority of the said lands, to which I hold right as heir-apparent aforesaid, in favour of the petitioner and his successors in the said lands. In witness whereof. [To be signed by the party, or by his mandatory or agent duly authorized in writing.]

No. 2.

I ACCEPT relinquishment in terms of this minute.

No. 3.

THE Lord Ordinary interpones his authority to the minute of relinquishment lodged by the respondent, and decerns and declares the right of superiority thereby relinquished to be extinguished, to the effect of giving right to the petitioner and his successors to hold the lands and others described in the petition immediately of and under the party who is superior of the feu now given up and extinguished, and by the tenure and for the reddendo by and for which the relinquished feu was held; and decerns.

SCHEDULE

SCHEDULE (H.)

No. 1.—CHARTER of CONFIRMATION.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby confirm for ever to and in favour of A. B. [here name the disponent], and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here describe the lands or other heritages; and if under burdens, &c. use the form in Schedule (C.)], and an instrument of sasine in the said lands and others in favour of the said A. B., recorded in the [here describe the register in which the instrument is recorded] on the day of , or of whatever other date or tenor the said instrument of sasine may be; To be holden, the said lands and others, of the Crown, as in room of G. H. [here name the person against whom decree has been obtained], the eldest son [or whatever other relation he may be] of E. F. [here name the person last infeft in the superiority], who was last infeft in the immediate superiority of the said lands, in respect that the said G. H. having failed to complete his title to the said superiority, and to grant an entry to the said A. B., the said A. B., in virtue of an Act [here set forth the title of this Act], obtained a decree by the Lord Ordinary on the Bills, dated the granting warrant to the said A. B. to apply for and obtain an entry in the said lands and others from the Crown, as acting in vice of the said G. H.; and that while and so long as the said G. H. and his successors, the immediate superiors thereof, shall remain unentered, and thereafter until a new entry shall become requisite; and that by the same tenure by which the same were or might have been holden of the said G. H., and for payment to him and his successors, who are properly immediate lawful superiors of the said lands and others, of the annual duties and casualties heretofore payable, but only upon the completion of their title in the superiority.—In witness whereof we have ordered the seal now used for the Great Seal of Scotland to be appended hereto.

No. 2.—CHARTER of RESIGNATION.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby give, grant, and dispose, and for ever confirm to A. B. [here name the disponent], and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages; and if under burdens, &c., use the form in Schedule (C.)] Which lands and others formerly belonged to C. D. [here name the disponent], holden by him immediately of E. F. [here name the person who died last infeft in the superiority], in terms of [here state the investiture of the disponent], and now of the Crown as in vice of the immediate superior thereof, in respect that the said E. F. being dead, and G. H., his eldest son [or whatever other relation he may be] and heir-apparent, who is in right of the superiority, having failed to complete his title thereto and to grant an entry to the said A. B., the said A. B., in virtue of an Act [here set forth the title of this Act], obtained a decree by the Lord Ordinary on the Bills, dated the granting warrant to the said A. B. to apply for and obtain an entry in the said lands and others from the Crown, as acting in vice of the said G. H.; and which lands and others have been resigned into our hands, as in vice of the said G. H., by virtue of a procuratory of resignation contained in a disposition of the said lands and others, granted by him in favour of the said A. B., dated the

To be holden, the said lands and others, of the Crown as in room of the said G. H., who is properly the immediate lawful superior thereof, while and so long as he and his successors, the immediate superiors thereof, shall remain unentered, and thereafter until a new entry shall become requisite, and that by the same tenure by which the same were or might have been holden of the said G. H., and for payment to him and his successors, who are properly the immediate lawful superiors of the said lands and others, of the annual duties and casualties heretofore payable, but only upon the

completion of their title in the superiority. Moreover, we desire any notary-public, to whom this charter may be presented, to give to the said A. B., or his foresaids, sasine of the lands and others above described. In witness whereof we have ordered the seal now used for the Great Seal of Scotland to be appended hereto.

Note.—The charter in favour of an adjudger will be in similar terms, but under the proper modification. And a precept from Chancery in favour of the vassal's heir, who has obtained decree against the unentered heir-apparent of his superior, will be in similar terms as applied to the style of a precept.

SCHEDULE (I.)

No. 1.—CHARTER of CONFIRMATION, proceeding on a Decree of Forfeiture or Relinquishment.

I, L. M., immediate lawful superior of the lands and others after mentioned, in virtue of a decree of forfeiture [or, relinquishment, as the case may be], against G. H., heir-apparent of my immediate vassal last infest in the said lands and others, pronounced by Lord Ordinary on the Bills, upon the day of in a petition at the instance of A. B. [here name the disponent], do hereby confirm for ever to and in favour of the said A. B., and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages, and if under burdens, &c., use the form in Schedule (C.)]; and an instrument of sasine in the said lands and others in favour of the said A. B., recorded in the [here describe the register in which the instrument is recorded,] on the day of , or of whatever other dates and tenor the said writs may be: To be holden, the said lands and others, by the said A. B. and his foresaids, in all time hereafter, immediately of me and my successors, as superiors thereof, in free blench-farm [or, in feu-farm, as the case may be, according to the tenure by which the forfeited or relinquished superiority was held,] for ever, paying therefor [here specify the reddendo for which the forfeited or relinquished superiority was held]; and I consent to the registration hereof. In witness whereof.

No. 2.—CHARTER of RESIGNATION proceeding on a Decree of Forfeiture or Relinquishment.

“ I, L. M., immediate lawful superior of the lands and others after mentioned, in virtue of a decree of forfeiture [or, relinquishment, as the case may be] against G. H., heir-apparent of my immediate vassal last infest in the said lands and others, pronounced by Lord Ordinary on the Bills, upon the day of in a petition at the instance of A. B. [here name the disponent], do hereby give, grant, dispoise, and for ever convey to the said A. B., and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages, and if disposed under burdens, &c., use the form in Schedule (C.)] Which lands and others above-written formerly belonged to [here insert the name of the disponent] holden by him, under my immediate vassal, and now of myself in terms of [here state briefly the investiture of the last-entered proprietor], and have been resigned by him in my hands as now coming in place of his immediate superior by virtue of a procuratory of resignation contained in a disposition of the said lands and others, made and granted by him in favour of the said A. B., dated [here insert the date]; To be holden, the said lands and others, by the said A. B. and his foresaids in all time hereafter, immediately of me and my successors, as superiors thereof, in free blench-farm [or in feu-farm, as the case may be, according to the tenure by which the forfeited or relinquished superiority was held,] for ever: Paying therefor [here specify the reddendo for which the forfeited or relinquished

quished superiority was held]: And I consent to the registration hereof; moreover, I hereby desire any notary-public to whom this charter may be presented to give to the said A. B., or his foresaids, sasine of the lands and others above described. In witness whereof."

No. 3.—PRECEPT of CLARE CONSTAT proceeding on a Decree of Forfeiture or Relinquishment.

I, L. M., immediate lawful superior of the lands and others after mentioned, in virtue of a decree of forfeiture [or, relinquishment, as the case may be] against G. H., heir-apparent of my immediate vassal last infeft in the said lands and others, pronounced by Lord _____ Ordinary on the Bills, dated the _____ day of _____ in a petition at the instance of A. B., [here name and design the heir in whose favour the precept is to be granted]: Whereas by authentic instruments and documents it clearly appears that C. D., [here insert the name of the last proprietor of the lands] died last vest and seised as of fee in [here insert the lands or other heritages, and if under burdens, &c., use the form in Schedule (C.)]; and that the said A. B. is eldest lawful son [or whatever relation he may be], and nearest and lawful heir [of line, or whatever the character may be] of the said C. D. in the said lands and others: And that the said lands and others are in virtue of the said decree now holden of me and my successors, as superiors thereof, in free blench-farm [or feu-farm, as the case may be, according to the tenure by which the forfeited or relinquished superiority was held], for ever, for payment of [here specify the reddendo for which the forfeited or relinquished superiority was held]. Therefore, I hereby desire any notary public to whom these presents may be presented to give to the said C. D., as heir foresaid, heritable state and sasine of the lands and others above described, and I consent to the registration hereof. In witness whereof.

Note.—Where the next superior is Her Majesty or the Prince of Scotland, charters by the Crown, Prince, or precepts from Chancery, will be granted in similar terms to the above, but adapted to the forms of Chancery.

SCHEDULE (K.)

AFTER granting decree of adjudication according to the form presently in use, or according to the form in use for the time, the following warrant to be inserted:—"And the Lord Ordinary grants warrant for infefting the said [here mention the name of the adjudger], and his heirs and successors in the foresaid subjects in terms of the 16th section of the Act [here mention this Act.]"

SCHEDULE (L.)

At _____ there was [by or] on behalf of A. B. [here state the name and designation of the adjudger or other party in his right], presented to me, notary-public subscribing, an extract decree of adjudication [or "of adjudication in implement," as the case may be,] dated the [here insert the date of the decree,] obtained before the Lords of Council and Session in an action at the instance of [here mention the party at whose instance the decree was obtained] against C. D., [here state the name and designation of the party adjudged from], whereby the said Lords adjudged from the said C. D.,
283. and

and all others having or pretending to have right thereto, All and Whole [here describe the lands at length; and if adjudged under burdens, &c., use the form in Schedule (C.); then recite the rest of the decree of adjudication down to the close of the warrant to the notary for giving infestment; and, if the infestment is to be taken by the heir or assignee of the adjudger, or by any other person acquiring right through him, recite here the decree of service or the assignment or other writ by which the party has acquired such right]. And by virtue of the said extract decree of adjudication [or "decree of adjudication in implement," as the case may be,] and warrant of infestment therein contained, I hereby give sasine to the said A. B. of the lands and others above described, and that in terms of the said decree in all respects. In witness whereof, I have subscribed these presents, written on this and the preceding pages, by E. F., my clerk, before these witnesses, the said E. F. and G. H., my apprentice.

E. F., witness.
G. H., witness.

(signed) I. K., Notary Public.

Transference of Lands (Scotland).

A

B I L L

To facilitate the Transference of Lands and other Heritages in Scotland not held in Burgage Tenure.

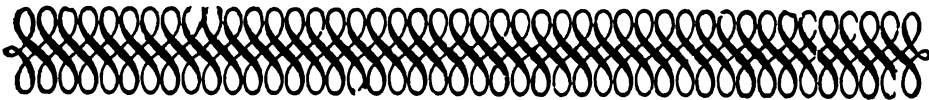
(Prepared and brought in by
The Lord Advocate and
The Solicitor-General for Scotland.)

Ordered, by The House of Commons, to be Printed,
16 April 1847.

253.

Under 3 oz.

10 May 1847.—10 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To facilitate the Transference of Lands and other Heritages
in Scotland not held in Burgage Tenure.

WH ~~HEREAS~~ it is expedient to facilitate the Transference of Preamble.
Lands and other Heritages in Scotland, and to render the
same less expensive, and for that purpose to amend the law of
Scotland relative thereto ;

5 May it therefore please Your MAJESTY,

That it may be Enacted ; ~~And be it Enacted~~, by The QUEEN'S
most Excellent MAJESTY, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, THAT in
10 all dispositions and conveyances and other deeds and instruments
necessary for the transmission of Lands and other Heritages in
Scotland not held Burgage, in which all or any of the following
Clauses are necessarily or usually inserted, (videlicet) a Clause de-
claring the Term of Entry, a Clause of Obligation to infest, a procu-
15 ratory of Resignation, a Clause of Assignation of Writs and
Evidents, a Clause of Assignation of Rents, a Clause of Obligation
to free and relieve of Feu-duties and Casualties due to the Supe-
rior and of Public Burdens, a Clause of Warrantice, a Clause of
Registration for Preservation and Execution, and a precept of Sasine,
20 it shall be lawful and competent to insert all or any of such Clauses
in the Form, or as nearly as may be in the Form, set forth in
Schedule (A.) hereunto annexed ; and all or any of such Clauses, if
so inserted in any such disposition or conveyance or other deed or
instrument, shall be as valid, effectual, and operative, to all intents,

1.
In Convey-
ances of
Land, &c. cer-
tain Clauses
may be in-
serted in the
short Forms
given in Sched-
ule (A.)

372.

A

effects

effects and purposes as if they had been expressed in the fuller mode or form now generally in use.

2.
Explanation
of the import
of the Clause
of Obligation
to infest.

And be it Enacted, That the Clause of Obligation to infest, if the Clause shall be limited to an obligation to infest same only, shall be held to imply an obligation on the disponent to infest the disponent, and his heirs and assignees, in the subjects conveyed, upon their own expenses, to be holden from the disponent and his heirs and successors of and under their immediate lawful superiors, in the same manner as the disponent himself, or his predecessors or authors, held, hold or might have holden the same, and that either by resignation or confirmation, or both, the one without prejudice of the other; and the Obligation to infest, if granted to be holden a me vel de me, shall be held to imply an obligation on the disponent to infest the disponent and his heirs and successors, upon their own expenses, by two several infestments and manners of holding, one thereof to be holden of the disponent and his heirs and successors in free blench, for payment of a Penny Scots in name of blench farm, at Whitsunday yearly, upon the ground of the lands, if asked only, and freeing and relieving him and them of all feu-duties, and other duties and services exigible out of the said lands and others, by their immediate lawful superiors thereof; and the other of the said infestments to be holden from the granter and his foresaids, of and under their said immediate lawful superiors, in the same manner as the granter, or his predecessors or authors, held, hold or might have holden the same, and that either by resignation or confirmation, or both, the one without prejudice of the other.

3.
Explanation
of the import
of other
Clauses in
Schedule (A.)

And be it Enacted, That the Clause for resigning the Lands shall be held and taken to be equivalent to a procuratory of resignation in the terms now in use; and, in the case of conveyances by a vassal to his superior, as equivalent to a procuratory of resignation ad remanentiam; and the Clause of Assignment of Writs and Evidents, unless specially qualified, shall be held to import an absolute and unconditional assignment to such writs and evidents; and to all open procuratories and precepts therein contained to which the disponent has right, and the Clause of Assignment of Rents, unless specially qualified, shall be held to import assignment to the rents becoming due, and for the possession following the term of entry, according to the legal and not the conventional terms, unless in the case of forehand rents, in which case it shall be held to import an assignment to the rents payable at the conventional terms subsequent to the date of entry; and the Clause of Warrantice, unless specially qualified, shall be held to imply absolute warrantice as regards the lands, and warrantice from fact and deed as

as regards the rents and writs and evidents; and the Obligation to free and relieve from Feu-duties, Casualties and Public Burdens, unless specially qualified, shall be held to import an obligation to relieve of all feu-duties or other duties and services or casualties payable to the superior, and of all public, parochial and local burdens due from or on account of the said lands, prior to the date of entry; and the Clause of Consent to Registration, unless specially qualified, shall import a consent to registration and a procuratory of registration in the books of Council and Session, or other Judges' books competent, therein to remain for preservation, and also, if for execution, that letters of horning and all necessary execution shall pass thereon upon Six Days' charge, on a decree to be interponed thereto in common form.

And be it Enacted, That in all cases where lands or other heritages are held under a deed of entail, it shall be lawful and competent, in dispositions and conveyances of such lands, and in the procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and all other deeds and instruments of what nature soever, necessary to transmit or complete a title under such entail in such lands, to omit the full insertion of the conditions and provisions, and prohibitory, irritant, and resolute clauses of such deed of entail, provided such conditions and provisions, and prohibitory, irritant, and resolute clauses shall be in such dispositions and conveyances, procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and other deeds and instruments aforesaid, specially referred to, as set forth at full length in the recorded deed of entail, if the same shall have been recorded in the register of tailzies, or as set forth at full length in any recorded instrument of sasine forming part of the progress of title-deeds of the said lands under the said entail, such reference being made in the terms, or as nearly as may be in the terms, set forth in Schedule (B.) hereunto annexed; and the reference thus made to such conditions and provisions, and prohibitory, irritant and resolute clauses, shall be held to be equivalent to the full insertion thereof, and shall to all intents and in all questions whatever, whether inter hæredes or with third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded deed or instrument referred to, notwithstanding any law or practice to the contrary, or any injunction to the contrary contained in such deed of entail, and notwithstanding the enactments or provisions to the contrary contained in an Act of the Parliament of Scotland made in the year One thousand six hundred and Eighty-five, intituled, "Act concerning Tailzies," or any other Act or Acts of Parliament now in force, all which are hereby repealed to the extent of making this enactment operative, but no further.

4.
Conditions of
Entail may
be referred to
as already in
the Register
of Entails or
Register of
Sasines.

5.
Real Burdens
may be re-
ferred to as
already in the
Register of
Sasines.

And be it Enacted, That in all cases where lands or other heritages are held under any real burdens or conditions or limitations whatsoever, appointed to be fully inserted in the investitures of such lands, it shall, notwithstanding such appointment, and notwithstanding any law or practice to the contrary now existing, be lawful and competent, in dispositions and conveyances of such lands, procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and other deeds and instruments of what nature soever, necessary to transmit or complete the feudal title thereto, to omit the full insertion of such real burdens or conditions or limitations; provided such real burdens or conditions or limitations shall, in such dispositions and conveyances, procuratories, charters, precepts of clare constat, decrees of adjudication, instruments of sasine, and other deeds and instruments aforesaid, be specially referred to, as set forth at full length in the recorded instrument whether of sasine or of resignation ad remanentiam, wherein the same were first inserted, or in any recorded instrument of sasine of subsequent date forming part of the progress of titles of the said lands, such reference being made in the terms, or as nearly as may be in the terms set forth in Schedule (C.) hereunto annexed; and the reference thus made to such real burdens or conditions or limitations shall be held to be equivalent to the full insertion thereof, and shall to all intents and in all questions whatever, whether with the disponent, or superior or third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded instrument referred to, notwithstanding any law or practice to the contrary, and notwithstanding any Act or Acts of Parliament to the contrary, which are hereby repealed to the effect of making this enactment operative, but no further.

6.
Superior may
be compelled
to grant
Entries by
Confirmation.

AND whereas the entry of heirs and disponees by charter of confirmation from the superior is in daily use and practice, and such form and mode of entry is in many cases more convenient than entry by resignation, without being of prejudice to the interests of the superior; BE it Enacted, That where any person shall be infeft in lands or heritages in Scotland holden of a subject-superior, upon a disposition or other deed of conveyance granted by the person last entered and infeft, or granted by a person whose own title to such lands and heritages is capable of being made public by confirmation according to the existing law and practice, which disposition shall contain an obligation to infeft a me vel de me, or upon a decree of special service, or a decree of adjudication or of sale, containing a warrant of infeftment in terms of this Act, it shall be lawful and competent for such person, upon production to the Lord Ordinary on the Bills in the Court of Session of his sasine in the said lands and warrants of the same, and upon showing the terms and conditions under which the said lands are holden of the superior thereof, to obtain warrant

rant for letters of horning to charge the said superior to grant in favour of such party a charter of confirmation, in the same way and form as is provided by the said last-recited Act, for compelling entry by resignation: Provided always, That the charger shall at the same
 5 time pay or tender to such superior such duties or casualties as he is by law entitled to receive upon the entry of the charger; and that it shall be lawful for every such superior to show cause why he ought not to be compelled to give obedience to such charge by offering a note of suspension to the Court of Session, in the usual
 10 manner: Provided also, That such superior shall be entitled to insert in the charter to be granted by him the clauses of tenendas and reddendo contained in the former charters of such lands and heritages, and all other clauses and conditions contained therein, in so far as the same are usual and necessary, and are not
 15 set forth in such instrument of sasine, or duly referred to in terms of this Act, or of an Act passed in the present Session of Parliament, intituled, "An Act to amend the Law and Practice of Scotland as to the Service of Heirs:" Provided also, That where such clauses and conditions are set forth in such instruments of sasine, or duly
 20 referred to in terms of this Act, or the said last-recited Act, the same shall not, without the vassal's consent, be repeated at length in such charter of confirmation.

And be it Enacted, That where any charter of confirmation, whether granted by Her Majesty or Her Royal Successors, or by
 25 the Prince of Scotland, or by a subject-superior, shall confirm the lands therein contained themselves, and the instrument of sasine therein in favour of the person requiring and receiving such charter, such charter may be expressed in the form set forth in Schedule (D.) hereunto annexed, and, in whatever form expressed, shall be held
 30 to confirm in favour of such person, so far as regards such lands, the whole dispositions and instruments of sasine, and other deeds, instruments and writings, of and concerning the same necessary to be confirmed in order to complete such person's investiture in the lands as immediate vassal of such superior, and that although such
 35 deeds, instruments and writings may not be enumerated or set forth in such charter.

AND whereas the remedy afforded for obtaining an entry under the present procedure by declarator of tinsel of superiority is in many respects defective; BE it Enacted, That where the person
 40 having right to the superiority of any lands, which superiority is not defeasible at the will of the vassal or disponent, shall not have completed his feudal title thereto so as to enable him to enter any heir or disponent of the vassal last publicly infeft in the said lands, or any adjudger or other party deriving right from him, and where
 372. A 3 such

7.
 Charters of Confirmation in the Form of Schedule (D.) to imply a general Confirmation of all the Title-deeds of the Lands.

8.
 Where Superior's Title incomplete, Owner may in certain cases apply to Lord Ordinary on the Bills to ordain him to complete his Title and grant an entry, under pain of Forfeiture.

such heir, disponent, adjudger, or other party, if such person had been infeft in the superiority, would have been entitled to compel entry in virtue of this Act, or of the said recited Act passed in the twentieth year of the reign of his Majesty King GEORGE the Second or otherwise, it shall be competent to such heir, disponent, adjudger, or other party, provided the annual reddendo attached to such superiority shall not exceed Five Pounds sterling in value or amount, to present a petition to the Lord Ordinary on the Bills, in the form, or as nearly as may be in the form given in Schedule (E.), No. 1, hereunto annexed, praying for warrant of service on such person, and for decree in the terms set forth in such petition; and the Lord Ordinary on the Bills shall pronounce an order for service of such petition, in terms of the interlocutor given in Schedule (E.), No. 2, hereunto annexed; and if, after such service, and the expiration of the days of intimation, such person shall not comply with the demand of the petition, by completing his title and granting entry to the petitioner as aforesaid, or shall not show reasonable cause to the Lord Ordinary why he delays or refuses so to do, he shall forfeit and amit all right to the said superiority, and the Lord Ordinary shall pronounce decree or judgment accordingly, to the effect of entitling the petitioner, and his heirs and successors in the said lands in all time thereafter, to hold the same as vassals immediately of and under the next over-superior, by the tenure, and for the reddendo, by and for which the forfeited superiority was held, all in the form, or as nearly as may be in the form given in Schedule (E.), No. 3, hereunto annexed; and such decree or judgment, when extracted and recorded in the register of sasines appropriate to the lands, shall enable the petitioner to apply to such over-superior, as his immediate superior, for an entry accordingly: And it is hereby provided, That in the renewed investiture to be so obtained by the petitioner under the authority of the said decree, the tenendas and reddendo contained in the title-deeds of the forfeited superiority shall be inserted in room of those contained in the investiture of the petitioner's predecessor or author, and the lands shall be held by the petitioner and his successors according to the tenure of the forfeited superiority in all time thereafter; and the charter or precept in the petitioner's favour shall be expressed as nearly as may be in one or other of the forms given in Schedule (I.) hereunto annexed.

9.
Or owner may, in such case, apply to Lord Ordinary on the Bills to authorize application for an entry to the Crown or

And be it Enacted, That if, in the case aforesaid, the annual reddendo shall exceed in value or amount the sum of Five Pounds sterling, or in the option of the said heir, disponent, adjudger or other party, whether the said annual reddendo shall exceed the said sum of Five Pounds sterling or not, it shall be lawful for such heir, disponent, adjudger or other party to present a petition to the Lord Ordinary

Prince, as in
vice of the
recusant
Superior.

Ordinary on the Bills, in the form, or as nearly as may be in the form of Schedule (F.), No. 1, hereunto annexed, praying for warrant and decree as there set forth, and the Lord Ordinary shall pronounce an order for service in terms of the interlocutor given in
5 Schedule (F.), No. 2, hereunto annexed; and if after such service and expiration of the days of such charge, such person shall not comply with the demand of the petition, by completing his title and granting entry to such petitioner as aforesaid, or shall not show reasonable cause to the Lord Ordinary why he delays or
10 refuses so to do, he shall forfeit and amit all right to the fees and casualties payable on the entry of such petitioner, who shall also be entitled to retain his feu-duties or other annual prestations, until fully paid and indemnified for all the expenses of the petition and procedure thereon, and all the expenses of completing his title in
15 terms of this Act; and the Lord Ordinary shall pronounce interim decree to that effect, and grant interim warrant for such petitioner applying for and obtaining an entry from the Crown or Prince of Scotland, or the mediate over-superior, as acting in the vice of such superior, all in the form, or as nearly as may be in the form given in
20 Schedule (F.), No. 3, hereunto annexed; and such petitioner shall be entitled forthwith to lodge, along with an extract of the said decree, in the office of the Presenter of Signatures, a draft of a proposed charter or precept from the Crown or Prince, as in vice of such superior, with a short note in terms of the Act passed in the present
25 Session of Parliament, to alter and amend the practice in Scotland with regard to Crown charters and precepts from Chancery; and such charter or precept, for which the said extract-decree shall be a sufficient warrant, may be in the form given in the Schedule (H.) hereunto annexed, and shall be as effectual as if granted by the
30 immediate superior of the feu when duly infeft in the superiority; and when there is a mediate over-superior, such extract-decree shall be a sufficient warrant for letters of horning to charge such over-superior to enter the petitioner by granting a valid charter or precept as in vice of such superior; and after completion of his title, such
35 petitioner shall be entitled, if he thinks fit, to lodge, as part of the proceedings under the said petition, an account of the expenses of that process, and of completing his title, and the Lord Ordinary shall, if required on the part of such petitioner, modify the amount thereof, and decern for retention of the amount thereof as aforesaid,
40 in the form given in Schedule (F.), No. 4, hereunto annexed.

And be it Enacted, That the lands and others contained in such charter or precept to be so obtained, shall be holden of the Crown or Prince, or the mediate over-superior, as in the vice of the unentered immediate superior, while and so long as he and his successors, the immediate superiors thereof, shall remain unentered, and there-

10.
Lands to be
held temporarily
of the
Crown or
Prince.

after until a new entry in favour of the vassal or his successors shall become requisite.

11.
The party in right of the superiority may lodge a minute tendering relinquishment of his right, and if accepted by the Petitioner, the Lord Ordinary may interpose his authority.

And be it Enacted, That when a petition shall be presented as aforesaid, praying for warrant of service, and for decree against any person so having a right to the superiority of any lands, and not having completed his feudal title thereto, whether the annual reddendo shall be above or below the value or amount of Five Pounds sterling, it shall be competent for him at any time before expiration of the days of intimation, or before interim decree shall have been extracted as aforesaid, to lodge, as part of the proceedings under such petition, a minute, signed by himself, or by his mandatory or agent, duly authorized by him in writing, stating that he tenders relinquishment of the right of superiority which he holds on apparency in favour of the petitioner and his heirs and successors; and such minute shall be in the form, or as nearly as may be in the form, given in Schedule (G.), No. 1, hereunto annexed; and if the petitioner shall by himself or his counsel or agent subscribe or indorse upon such minute an acceptance of the same in the form given in Schedule (G.), No. 2, hereunto annexed, the Lord Ordinary is hereby authorized and required, on the petitioner's motion, to interpose his authority to such minute and acceptance, and to decern and declare the right of superiority thus relinquished to be extinguished, to the effect of making the petitioner and his successors in the said lands hold the lands as vassals immediately of and under the superior of the relinquished superiority in permanency, and by the tenure and for the reddendo by and for which such relinquished superiority was held, the decree so to be pronounced to be in the form, or as nearly as may be in the form, of Schedule (G.), No. 3, hereunto annexed; and the said decree, when extracted, and recorded in the register of sasines appropriate to the lands, shall entitle the petitioner and his foresaids to apply for an entry to such superior accordingly as his immediate superior, and in the renewed investiture to be obtained by the petitioner under the authority of the said decree, the tenendas and reddendo contained in the title-deeds of the relinquished superiority shall be inserted in room of those contained in the investiture of the petitioner's predecessor or author, and the lands shall be held by himself and his successors according to the tenure of the relinquished superiority in all time thereafter; and the charter or precept, as the case may be, in the petitioner's favour may be expressed in one or other of the forms given in Schedule (I.) hereunto annexed; but nothing herein contained shall be held as rendering it imperative on the petitioner to accept of the offered relinquishment, and to take the place of his immediate superior; it being hereby provided, that if he prefers it, he shall be entitled to refuse the same, and to complete his title by entry from the

the Crown or Prince of Scotland or the mediate over-superior, as in the vice of his immediate superior.

And be it Enacted, That the investiture thus completed upon the forfeiture or relinquishment of the superiority by such heir-
 5 apparent, and acceptance by the petitioner shall, in all respects and to all intents and purposes, be as effectual as if such apparent heir had completed his titles to the superiority, and thereafter conveyed the same to the petitioner, and the latter, after completing his titles under the over-superior, had resigned ad remanentiam in
 10 his own hands: Provided always, That the title so completed shall not in any respect extend the interests of such over-superior, but that he shall be entitled to the same casualties, whether taxed or untaxed, to which he would have been entitled if such apparent heir had remained his vassal.

12.
Over-superior's Rights not to be extended or affected.

15 Provided always, and be it Enacted, That in the case of such forfeiture or relinquishment of superiority by any apparent heir in manner above mentioned, the vassal obtaining or accepting the same, and making up titles under the over-superior, shall be liable, but subject always to retention of expenses as aforesaid, for the value of
 20 the said superiority to the said heir-apparent, or any person in his right, or having interest, as accords of law; and such forfeiture or relinquishment by such heir-apparent shall not infer a passive representation on his part, nor any liability for the debts of the person last infest therein, beyond the price, if any, which he may
 25 receive for such forfeiture or relinquishment; and the vassal, if he accepts thereof, shall not be accountable in any case for more than the value or price of the forfeited or relinquished right.

13.
Vassal obtaining or accepting forfeiture or relinquishment of superiority to be liable for its value, but forfeiture or relinquishment not to infer representation.

AND whereas by the law of Scotland as now existing, a precept of clare constat from a subject superior to his vassal is held to lapse
 30 and become ineffectual, if sasine is not passed thereon in the lifetime of the granter, which is attended with inconvenience; BE it Enacted, That all precepts of clare constat already made and granted, and still subsisting in force, and all precepts of clare constat to be made and granted hereafter, shall, notwithstanding the death of the
 35 granter thereof, remain in full force and effect during the whole lifetime of the grantee, and shall continue effectual as a warrant for giving infestment to the grantee in terms thereof at any time during the grantee's life.

14.
Precepts of clare constat not to fall by death of the granter.

And be it Enacted, That it shall no longer be competent to use
 40 letters of general charge, or special charge, or general special charge, but in an action of constitution of an ancestor's debt or obligation against his unentered heir, the citation on and execution of

15.
General and special and general special Charges to be no longer competent.

the summons in such action shall be held to imply and be equivalent to a general charge, the induciæ of which shall expire with the induciæ of such summons, and shall infer the like certification with such general charge; and it shall thereafter be competent to adopt under such summons the same procedure, in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of general charge duly executed against such heir, according to the existing law and practice, which decree shall be a valid decree of constitution: And in an action of adjudication against such heir following on such decree of constitution, or in an action of adjudication against an unentered heir for his own debt, the citation on and execution of the summons of adjudication shall be held to imply and be equivalent to a special charge or general special charge, as the circumstances may require, the induciæ of which charge shall expire with the induciæ of such summons, and shall infer the like certification with such special charge, or general special charge, as the case may be; and it shall thereafter be competent to adopt under such summons the same procedure in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of special charge, or general special charge, as the case may be, duly executed against such heir, according to the existing law and practice, which decree shall be a valid decree of adjudication: And in an action of constitution and adjudication combined in the same summons against an unentered heir, it shall be competent to adopt the same procedure in all respects, and to pronounce the same decree which would have been competent had such summons been preceded by letters of general charge duly executed against such heir according to the existing law and practice; and in such combined action of constitution and adjudication it shall be competent to pronounce decree of constitution and adjudication in one and the same interlocutor, and to extract the same in one and the same extract, which decree shall be a valid decree of constitution and adjudication; anything in an Act of the Parliament of Scotland passed in the year One thousand five hundred and Forty, and in another Act of the Parliament of Scotland passed in the year One thousand six hundred and Twenty-one, or in any other Act of Parliament, or any law or practice to the contrary notwithstanding, the said Acts being hereby repealed to the extent of making these enactments operative, but no further.

16.
Bill for Sum-
monses of Ad-
judication dis-
penssed with.

And be it Enacted, That it shall no longer be necessary that a summons of adjudication or of ranking and sale be preceded by a bill, such bill being hereby abolished.

AND

AND whereas it has been found inconvenient in practice to libel and conclude for general adjudication of lands as the alternative only of special adjudication in terms of an Act of the Parliament of Scotland passed in the year One thousand six hundred and
 5 Seventy-two; BE it Enacted, That it shall no longer be necessary to libel or conclude for special adjudication; and it shall be lawful to libel and conclude and decern for general adjudication without such alternative; any thing in the said last-mentioned Act, or in
 10 said last-mentioned Act and such other Acts being hereby repealed to the effect of making this enactment operative, but no further.

17.
 Unnecessary to libel and conclude for Decree of special Adjudication.

AND whereas a party who has obtained decree of adjudication or decree of sale is frequently exposed to inconvenience from the delay which may occur in obtaining infeftment; BE it Enacted, That it
 15 shall be lawful for the Judges of the Court of Session, when pronouncing decree of adjudication, whether for debt or in implement, or decree of sale, to grant warrant in terms, or as nearly as may be in terms of Schedule (K.) hereunto annexed, for infefting the adjudger or purchaser and his heirs and successors in the lands and
 20 others adjudged, to be holden by them alternatively by two several infeftments and manners of holding, one thereof to be holden of the party adjudged from and his heirs in free-bleinch, for payment of a Penny Scots in name of bleinch-farm at Whitsunday yearly, upon the ground of the said lands, if asked only, and freeing and relieving
 25 the party adjudged from and his heirs of all feu-duties and services exigible out of the said lands by their immediate lawful superiors thereof; and the other of the said infeftments to be holden from the party adjudged from and his heirs, of and under their immediate lawful superiors, in the same manner that the party adjudged from
 30 his predecessors and authors, held or might have holden the same, and that by confirmation; and the adjudger or purchaser and his foresaids shall, in virtue of such decree of adjudication or decree of sale, be entitled to complete their title either according to the present practice by obtaining a charter of adjudication or of sale from
 35 the superior of the lands and passing infeftment thereon, or by taking infeftment in virtue of the warrant contained in such decree, which infeftment may be in the form given in Schedule (L.) hereunto annexed, and shall with the decree of adjudication or of sale be an effectual feudal investiture in the said lands in terms of such decree,
 40 holding base of the party adjudged from and his heirs, until confirmation thereof shall be granted by the immediate superior of the lands, or his successors, in the same manner and to the same effect as if the party adjudged from had granted a disposition of the lands to the adjudger or purchaser in the terms of the decree of adjudication

18.
 Decrees of Adjudication to contain Warrant for Infeftment a me vel de me, and Infeftment may follow accordingly.

cation or of sale, with an obligation to infest a me vel de me, to becompleted by confirmation, and a precept of sasine, and the adjudger or purchaser had been infest on such precept; and the superior or his foresaids shall be bound, on demand by the adjudger or purchasers or others in right of such adjudger or purchaser, to grant a charter of confirmation of the sasine thus proceeding on such decree of adjudication or decree of sale, and the effect of such charter shall be to make the lands hold immediately of and under such superior; but the right of the superior to the composition payable by an adjudger or purchaser, as due under the existing law, is hereby reserved entire, and the adjudger or purchaser or his fore-saids, by passing infestment on the decree of adjudication or of sale in manner above mentioned, shall become indebted in such composition to the superior, and shall be bound to pay the same upon the superior's tendering a charter of confirmation, whether such charter shall be accepted or not, and the superior shall be entitled to recover payment of such composition as accords of law; and it is hereby provided that such sasine, duly recorded, shall, without prejudice to any other diligence or procedure, be of itself sufficient to make the adjudication effectual in all questions of bankruptcy or diligence.

19.
Judgment of
Lord Ordinary on the
Bills subject
to review of
Inner House,
and Judg-
ments in cer-
tain cases to
be final.

And be it Enacted, That any judgment pronounced by the Lord Ordinary in virtue of this Act shall be subject to review by a reclaiming note in ordinary form; but the judgment of the Lord Ordinary, if not so brought under review, and the judgment of either Division of the Court upon such reclaiming note, whether such judgments shall have been pronounced in absence of the respondent or not, shall be final and conclusive, and not subject to review by appeal to the House of Lords, or by reduction, or in any other mode or form whatever; and it shall be competent to the Lord Ordinary, or to either Division of the Court reviewing any judgment of the Lord Ordinary, if it shall appear to him or them to be just in the whole circumstances of the case, to find and decern in ordinary form for the expenses of any proceedings under this Act against the petitioner or respondent personally.

20.
Court of Ses-
sion may
make Acts of
Sederunt.

And be it Enacted, That it shall be lawful to the Court of Session to pass such Act or Acts of Sederunt as the Court may deem proper for carrying into effect the purposes of this Act.

21.
Interpretation
Clause.

And be it Enacted, That in construing this Act, except where the nature of the provision or the context of this Act shall be repugnant to such construction, the words "superior," "vassal," "granter," "grantee," "disponer," and "disponee," shall extend to and include the heirs,

heirs, successors and representatives of such superior, vassal, granter, grantee, disponent or disponent respectively; and the word "lands" shall extend to and include teinds, fishings, houses, lands, tenements and heritages of every description; and the word "charter" shall
5 include charters from the Crown and Prince as well as from subject superiors; and all words used in the singular number shall be held to include several persons or things; and all words importing the masculine gender shall extend and be applied to females as well as males.

10 And be it Enacted, That this Act shall take effect from and after the Thirtieth day of September One thousand eight hundred and Forty-seven.

22.

Act when to take effect.

And be it Enacted, That this Act may be amended or repealed
by any Act to be passed in this Session of Parliament.

23.

Act may be amended or repealed.

SCHEDULES

REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A.)

AFTER the inductive and dispositive clauses the deed may proceed thus:—"With entry at the term of [here specify the date of entry]: And I oblige myself to infest the said [here insert the name of the disponent] and his *foresaids*, to be holden *a me* [or *de me*, or *a me vel de me*, as the case may be]: And I resign the said lands and others for new infestment: And I assign the writs, and have delivered the same according to inventory: and I assign the rents: and I bind myself to free and relieve the said [here insert the name of the disponent] and his *foresaids* of all feu-duties, casualties and public burdens: and I grant warrandice: and I consent to registration hereof for preservation, (or for preservation and execution) moreover, I desire any notary-public to whom these presents may be presented to give to the said [here insert the name of the disponent] or his *foresaids* *sasine*, [or *liferent sasine*, or *sasine in liferent and fee* respectively, as the case may be] of the lands and others above disposed. In witness whereof [here insert a testing clause in the usual form]."

Note.—The clauses are assumed here as occurring in a disposition, but they may be used in other deeds and instruments; and, in the event of its being necessary to omit, vary, or qualify any one or more of them, this may be done, and the other clauses may be retained.

SCHEDULE (B.)

INSTEAD of inserting the conditions of entail at length, these may be referred to as follows, viz. :—"But always with and under the conditions, provisions, reservations, and clauses, prohibitory, irritant and resolute, specified and contained in a disposition and deed of entail [or, in the said disposition and deed of entail, if it has been previously referred to] of the said lands and others, executed by the deceased E. F., bearing date the _____ day of _____ in the year _____ and recorded in the register of tailzies on the _____ day of _____ in the year _____ [or, in an instrument of *sasine* in the said lands and others in favour of G. H., recorded in the [here mention the register in which the *sasine* is recorded] upon the _____ day of _____ in the year _____ ."]

And in subsequent clauses of the deed, in which it is requisite or usual to refer again to the conditions of the entail, the reference may be made thus:—"But always with and under the conditions, provisions, reservations, and clauses prohibitory, irritant and resolute, before referred to."

SCHEDULE

SCHEDULE (C.)

INSTEAD of inserting the burdens, &c. at length, these may be referred to as follows, viz.:—" But always with and under the burdens, conditions, provisions, restrictions, limitations and obligations [or such of these as may apply to the case], specified in an instrument of sasine in the said lands and others, [here describe the sasine in which the burdens, &c. were first inserted, or any subsequent sasine in which they are inserted, forming part of the progress of the titles to the lands, the sasine being described by the name of the party in whose favour it was passed, the register in which it is recorded, and the date of registration; or, if it is previously referred to in the disposition, say, in the said instrument of sasine in favour of the said above referred to,]" or if they are inserted in an instrument of resignation *ad remanentiam*, make a similar reference to such instrument.

And in subsequent clauses in which it is requisite or usual to refer again to the burdens, &c., the reference may be made thus:—" But always with and under the burdens, conditions, provisions, restrictions, limitations, and obligations, [or such of these as may apply to the case] before referred to."

SCHEDULE (D.)

I, A. B., immediate lawful superior of the lands and others after mentioned, do hereby confirm for ever to and in favour of C. D. [here name the party in whose favour the charter is granted] and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages to be confirmed; and if under burdens, &c., use the form in Schedule (C.)] and an instrument of sasine in the said lands and others in favour of the said C. D. recorded in the [here describe the register in which the instrument is recorded] on the day of or of whatever other date or tenor the said instrument of sasine may be,—To be holden, the said lands and others, immediately of me and my successors, superiors thereof, in free-bleuch [or, in feu-farm, as the case may be] for ever, paying therefor a Penny Scots yearly of bleuch-duty, if asked only [or, if held in feu-farm, specify the other payments and services.] And I consent to the registration hereof. In witness whereof [here insert the testing clause in the usual form.]

SCHEDULE (E.)

No. 1.

UNTO the Honourable the Lord Ordinary on the Bills,—the Petition of A. B.,—Humbly sheweth, That, by disposition dated the granted by C. D. of , the said C. D. disposed to the petitioner, All and Whole [here describe the subjects as in the disposition] to be held of the disponent's superior, with warrants of resignation and sasine.

That the petitioner's author, the said C. D., held the said lands and others of and under the late E. F. as his immediate lawful superior, for an annual reddendo not exceeding in value or amount Five Pounds sterling. That G. H. is the eldest son [or whatever other relation he is] and apparent heir of the said E. F., and as such has right to the superiority of the said lands and others, but he has not made up a feudal title thereto, and is therefore not in a situation to grant entry to the petitioner, although demanded from him. The petitioner now applies to your Lordship for redress in [terms of the Act, [here mention this Act]] and produces the above-mentioned disposition in his favour.

May it therefore please your Lordship, in terms of the said Act, to grant warrant for serving this petition on the said G. H. personally, or at his dwelling-place, [here add a prayer for edictal citation in the usual form if the party is furth of Scotland], and to ordain him within Thirty Days after the date of such service [or within Sixty Days if he be furth of Scotland or in Orkney or Shetland] to procure himself entered and infeft in the said lands and others, and to enter the petitioner in the same, on payment of the duties and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that, if he fail, he shall forfeit and amit all right to the said superiority; and, in the event of the said G. H. failing so to complete his title and grant entry to the petitioner, or to show reasonable cause why he delays or refuses so to do, to find and declare that the said G. H. has forfeited and amitted all right to the said superiority, and that the petitioner and his heirs and successors are entitled to hold the said lands and others in all time coming as vassals immediately of and under the next over-superior, by the tenure and for the reddendo by and for which the forfeited superiority was held. According to justice, &c.

Notes.—The above form is applicable to the case where the petitioner requires a charter of resignation. In other cases the form must be varied, so far as necessary, to suit the circumstances.

No. 2.

THE Lord Ordinary grants warrant to Messengers-at-arms to serve the said petition and this deliverance on the said G. H., as prayed for; and ordains the said G. H., within Thirty Days [or Sixty Days, as the case may be] after the date of such service, to procure himself entered and infeft in the lands and others described in the petition, and to enter the petitioner in the same, on payment of the fees and casualties exigible on such entry; or else to show cause for delaying or refusing to do so; with certification, that, if he fail, he shall forfeit and amit all right to the said superiority in terms of the said Act.

No. 3.

THE Lord Ordinary having resumed consideration of the said petition, with the execution thereon, now expired,—In respect the said G. H. has not shown cause for delaying or refusing to complete his title to the superiority, and to grant an entry to the petitioner, Finds and declares, that the said G. H. has forfeited and amitted all right to the said superiority, and that the petitioner and his heirs and successors are entitled to hold the lands and others described in the petition, in all time coming, as vassals immediately of and under the next over-superior, by the tenure and for the reddendo by and for which the said forfeited superiority was held: Grants warrant to the petitioner and his foresaids to apply for and obtain an entry in the said lands and others from the said over-superior, in the terms foresaid, and decerns, and ordains the decree to be extracted hereon to be recorded in the register of sasines.

SCHEDULE (F.)

No. 1.

Unto the Honourable the Lord Ordinary on the Bills,—the Petition of A. B.—Humbly sheweth, That, by disposition dated the _____ granted by C. D. of _____, the said C. D. disposed to the petitioner All and Whole [here describe the subjects as in the disposition], to be held of the disposer's superior, with warrants of resignation and sasine.

That the petitioner's author, the said C. D., held the said lands and others of and under the late E. F. as his immediate lawful superior; That G. H. is the eldest son [or whatever other relation he is] and apparent heir of the said E. F., and as such has right to the superiority of the said lands and others, but he has not made up a feudal title thereto, and

and is therefore not in a situation to grant entry to the petitioner, although demanded from him. The petitioner now applies to your Lordship for redress in terms of the Act [here mention this Act], and produces the above-mentioned disposition in his favour.

May it therefore please your Lordship, in terms of the said Act, to grant warrant for, serving this petition on the said G. H. personally, or at his dwelling-place, [here add a prayer for edictal citation in the usual form, if the party is furth of Scotland], and to ordain him within Thirty Days after the date of such service [or within Sixty Days if he be furth of Scotland or in Orkney or Shetland] to procure himself entered and infest in the said lands and others, and to enter the petitioner in the same, on payment of the duties and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that, if he fail, he shall forfeit and amit all right to the duties and casualties payable on the entry of the petitioner, and that the petitioner shall be entitled to retain from him and his successors, as immediate superiors, the yearly feu-duties and whole other prestations, until fully paid and indemnified for all the expenses of this petition and procedure to follow hereon, and for all the expenses of completing the petitioner's title in terms of the said Act; and thereafter, on resuming consideration of this petition, with or without answers, to find and declare that the said G. H. has forfeited and amitted all right to the fees and casualties payable on the entry of the petitioner, and that the petitioner is entitled to retain from him and his successors, as immediate superiors, the yearly feu-duties and whole other prestations until fully paid and indemnified for all the expenses of this petition, and of the procedure to follow hereon, and for all the expenses of completing the petitioner's title in terms of the said Act; and also to grant warrant to the petitioner to apply for and obtain an entry in the said lands and others from the Crown or Prince of Scotland, or I. K., the mediate over-superior, as acting in the vice of the said G. H., and to authorize decree to the above effect to be extracted ad interim; and thereafter, upon the completion of the petitioner's title by an entry from the Crown or Prince of Scotland, or such mediate over-superior, as aforesaid, to remit the accounts of the expenses of this petition and procedure hereon, and of the expenses of completing the petitioner's title, to the auditor to tax the same and to report, and to modify the amount of the said expenses, and to decern for retention of the amount thereof as aforesaid; or to do otherwise in the premises as to your Lordship shall seem just.—According to justice, &c.

Note.—The above form is applicable to the case where the petitioner requires a charter of resignation. In other cases the form must be varied, so far as necessary, to suit the circumstances.

No. 2.

THE Lord Ordinary grants warrant to Messengers-at-arms to serve the said petition and this deliverance on the said G. H., as prayed for; and ordains the said G. H., within Thirty Days [or Sixty Days, as the case may be] after the date of such service, to procure himself entered and infest in the lands and others described in the petition, and to enter the petitioner in the same, on payment of the duties and casualties exigible on such entry; or else to show cause for delaying or refusing to do so; with certification that, if he fail, he shall forfeit and amit all right to the duties and casualties payable on the petitioner's entry, and this the petitioner shall be entitled to retain from him and his successors, as immediate superiors, the yearly feu-duties, and whole other prestations, until fully paid and indemnified for the expenses of the petition and procedure thereon, and for all the expenses of completing the petitioner's title, in terms of the said Act.

No. 4.

SCHEDULE (G.)

No. 1.

No. 2.

No. 3.

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SCHEDULE (H.)

No. 1.—CHARTER of CONFIRMATION.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby confirm for ever to and in favour of A. B. [here name the disponent], and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here describe the lands or other heritages; and if under burdens, &c. use the form in Schedule (C.)], and an instrument of sasine in the said lands and others in favour of the said A. B., recorded in the [here describe the register in which the instrument is recorded] on the day of , or of whatever other date or tenor the said instrument of sasine may be; To be holden, the said lands and others, of the Crown, as in room of G. H. [here name the person against whom decree has been obtained], the eldest son [or whatever other relation he may be] of E. F. [here name the person last infeft in the superiority], who was last infeft in the immediate superiority of the said lands, in respect that the said G. H. having failed to complete his title to the said superiority, and to grant an entry to the said A. B., the said A. B., in virtue of an Act [here set forth the title of this Act], obtained a decree by the Lord Ordinary on the Bills, dated the granting warrant to the said A. B. to apply for and obtain an entry in the said lands and others from the Crown, as acting in vice of the said G. H.; and that while and so long as the said G. H. and his successors, the immediate superiors thereof, shall remain unentered, and thereafter until a new entry shall become requisite; and that by the same tenure by which the same were or might have been holden of the said G. H., and for payment to him and his successors, who are properly immediate lawful superiors of the said lands and others, of the annual duties and casualties heretofore payable, but only upon the completion of their title in the superiority.—In witness whereof we have ordered the seal now used for the Great Seal of Scotland to be appended hereto, &c. [according to the Chancery form].

No. 2.—CHARTER of RESIGNATION.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby give, grant, and disponent, and for ever confirm to A. B. [here name the disponent], and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages; and if under burdens, &c., use the form in Schedule (C.)] Which lands and others formerly belonged to C. D. [here name the disponent], holden by him immediately of E. F. [here name the person who died last infeft in the superiority], in terms of [here state the investiture of the disponent], and now of the Crown as in vice of the immediate superior thereof, in respect that the said E. F. being dead, and G. H., his eldest son [or whatever other relation he may be] and heir-apparent, who is in right of the superiority, having failed to complete his title thereto and to grant an entry to the said A. B., the said A. B., in virtue of an Act [here set forth the title of this Act], obtained a decree by the Lord Ordinary on the Bills, dated the granting warrant to the said A. B. to apply for and obtain an entry in the said lands and others from the Crown, as acting in vice of the said G. H.; and which lands and others have been resigned into our hands, as in vice of the said G. H., which decree is recorded in the [state here the register of sasines in which the decree is recorded, and the date of registration], by virtue of a procuratory of resignation contained in a disposition of the said lands and others, granted by him in favour of the said A. B., dated the

To be holden, the said lands and others, of the Crown as in room of the said G. H., who is properly the immediate lawful superior thereof, while and so long as he and his successors, the immediate superiors thereof, shall remain unentered, and thereafter until a new entry shall become requisite, and that by the same tenure by which the same were or might have been holden of the said G. H., and for payment to him and his successors, who are properly the immediate lawful superiors of the said lands and others, of the annual duties and casualties heretofore payable, but only upon the completion

completion of their title in the superiority. Moreover, we desire any notary-public, to whom this charter may be presented, to give to the said A. B., or his foresaids, sasine of the lands and others above described. In witness whereof we have ordered the seal now used for the Great Seal of Scotland to be appended hereto, &c. [according to the Chancery form.]

Note.—The charter in favour of an adjudger will be in similar terms, but under the proper modification. And a precept from Chancery in favour of the vassal's heir, who has obtained decree against the unentered heir-apparent of his superior, will be in similar terms as applied to the style of a precept. And if the charter or precept is by the mediate over-superior, the necessary alterations will be made.

SCHEDULE (I.)

No. 1.—CHARTER of CONFIRMATION, proceeding on a Decree of Forfeiture or Relinquishment.

I, L. M., immediate lawful superior of the lands and others after mentioned, in virtue of a decree of forfeiture [or, relinquishment, as the case may be], against G. H., heir-apparent of my immediate vassal last infeft in the said lands and others, pronounced by Lord Ordinary on the Bills, upon the day of in a petition at the instance of A. B. [here name the disponee], do hereby confirm for ever to and in favour of the said A. B., and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages, and if under burdens, &c., use the form in Schedule (C.)]; and following on the said disposition an instrument of sasine in the said lands and others in favour of the said A. B., a disposition of the said lands and others granted by C. D. in favour of the said A. B., dated [here insert the date of the disposition], and recorded in the [here describe the register in which the instrument is recorded,] on the day of , or of whatever other dates and tenor the said writs may be: To be holden, the said lands and others, by the said A. B. and his foresaids, in all time hereafter, immediately of me and my successors, as superiors thereof, in free blench-farm [or, in feu-farm, as the case may be, according to the tenure by which the forfeited or relinquished superiority was held,] for ever, paying therefor [here specify the reddendo for which the forfeited or relinquished superiority was held]: and I consent to the registration hereof for preservation. In witness whereof [add a testing Clause].

No. 2.—CHARTER of RESIGNATION proceeding on a Decree of Forfeiture or Relinquishment.

I, L. M., immediate lawful superior of the lands and others after mentioned, in virtue of a decree of forfeiture [or, relinquishment, as the case may be] against G. H., heir-apparent of my immediate vassal last infeft in the said lands and others, pronounced by Lord Ordinary on the Bills, upon the day of in a petition at the instance of A. B. [here name the disponee], do hereby give, grant, dispo, and for ever convey to the said A. B., and his heirs and assignees whomsoever, heritably and irredeemably, All and Whole [here insert the lands or other heritages, and if disposed under burdens, &c., use the form in Schedule (C.)] Which lands and others above-written formerly belonged to [here insert the name of the disponer] holden by him, under my immediate vassal, and now of myself in terms of [here state briefly the investiture of the last-entered proprietor], and have been resigned by him in my hands as now coming in place of his immediate superior by virtue of a procuratory of resignation contained in a disposition of the said lands and others, made and granted by him in favour of the said A. B., dated [here insert the date]; To be holden, the said lands and others, by the said A. B. and his foresaids in all time hereafter, immediately of me

me and my successors, as superiors thereof, in free blench-farm [or in feu-farm, as the case may be, according to the tenure by which the forfeited or relinquished superiority was held,] for ever: Paying therefor [here specify the reddendo for which the forfeited or relinquished superiority was held]: And I consent to the registration hereof; for preservation, moreover, I hereby desire any notary-public to whom this charter may be presented to give to the said A. B., or his foresaids, sasine of the lands and others above described. In witness whereof [add a testing Clause.]

No. 3.—PRECEPT of CLARE CONSTAT proceeding on a Decree of Forfeiture or Relinquishment.

I, L. M., immediate lawful superior of the lands and others after mentioned, in virtue of a decree of forfeiture [or, relinquishment, as the case may be] against G. H., heir-apparent of my immediate vassal last infeft in the said lands and others, pronounced by Lord Ordinary on the Bills, dated the day of in a petition at the instance of A. B., [here name and design the heir in whose favour the precept is to be granted]: Whereas by authentic instruments and documents it clearly appears that C. D., [here insert the name of the last proprietor of the lands] died last vest and seised as of fee in [here insert the lands or other heritages, and if under burdens, &c., use the form in Schedule (C.)]; and that the said A. B. is eldest lawful son [or whatever relation he may be], and nearest and lawful heir [of line, or whatever the character may be] of the said C. D. in the said lands and others: And that the said lands and others are in virtue of the said decree now holden of me and my successors, as superiors thereof, in free blench-farm [or feu-farm, as the case may be, according to the tenure by which the forfeited or relinquished superiority was held], for ever, for payment of [here specify the reddendo for which the forfeited or relinquished superiority was held]. Therefore, I hereby desire any notary public to whom these presents may be presented to give to the said C. D., as heir foresaid, heritable state and sasine of the lands and others above described, and I consent to the registration hereof for preservation. In witness whereof [add a testing Clause.]

Note.—Where the next superior is Her Majesty or the Prince of Scotland, charters by the Crown, Prince, or precepts from Chancery, will be granted in similar terms to the above, but adapted to the forms of Chancery.

SCHEDULE (K.)

AFTER granting decree of adjudication according to the form presently in use, or according to the form in use for the time, the following warrant to be inserted:—"And the Lord Ordinary grants warrant for infefting the said [here mention the name of the adjudger or purchaser], and his heirs and successors in the foresaid subjects in terms of the 16th section of the Act [here mention this Act.]"

SCHEDULE (L.)

At there was [by or] on behalf of A. B. [here state the name and designation of the adjudger or purchaser, or other party in his right], presented to me, notary-public subscribing, an extract decree of adjudication [or "of adjudication in implement or of sale," as the case may be,] dated the [here insert the date of the decree,] obtained before the Lords of Council and Session in an action at the instance of [here mention the party at whose instance the decree was obtained] against C. D., [here state the name and designation of the party adjudged from], whereby the said Lords adjudged from

from the said C. D., and all others having or pretending to have right thereto, All and Whole [here describe the lands at length; and if adjudged under burdens, &c., use the form in Schedule (C.); then recite the rest of the decree of adjudication or sale down to the close of the warrant to the notary for giving infestment; and, if the infestment is to be taken by the heir or assignee of the adjudger or purchaser, or by any other person acquiring right through him, recite here the decree of service or the assignment or other writ by which the party has acquired such right]. And by virtue of which warrant of infestment I hereby give sasine to the said A. B. of the lands and others above described. In witness whereof, I have subscribed these presents, written on this and the preceding pages, by E. F., my clerk, before these witnesses, the said E. F. and G. H., my apprentice.

E. F., witness.
G. H., witness.

(signed) I. K., Notary Public.

Transference of Lands (Scotland).

A

B I L L

[AS AMENDED BY THE COMMITTEE]

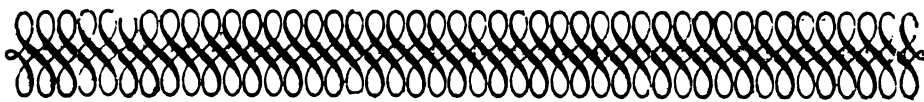
To facilitate the Transference of Lands and other Heritages in Scotland not held in Burgage Tenure.

*(Prepared and brought in by
The Lord Advocate and
The Solicitor-General for Scotland.)*

*Ordered, by The House of Commons, to be Printed,
10 May 1847.*

372.

Under 3 oz.



A

B I L L

To regulate the Stations of Soldiers during Parliamentary Elections.

WH **H**EREAS by an Act passed in the eighth year of the reign of King GEORGE the Second, intituled, “An Act for regulating the Quartering of Soldiers during the Time of the Elections of Members to serve in Parliament,” provision is made for the removal of all Soldiers quartered or billeted in any City, Borough Town or Place to the distance of Two or more Miles, when and as often as any Election of any Peer or Peers to represent the Peers of Scotland in Parliament, or of any Member or Members to serve in Parliament, shall be appointed to be made therein :

Preamble:
8 Geo. 2,
c. 30.

10 And whereas, in consequence of changes in the Law for taking the Poll at the Election of Members to serve in Parliament, the expense and inconvenience of such removal of Soldiers is greatly increased ;

15 **B**E it Enacted, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Act shall be repealed.

1.
Repeal of
8 Geo. 2,
c. 30.

20 And be it Enacted, That on every day appointed for the Nomination or for the Election or for taking the Poll for the Election of a Member or Members to serve in the Commons House of Parliament, no Soldier within Two Miles of any City, Borough Town or place where such Nomination or Election shall be declared or poll taken, shall be
231. allowed

2.
Soldiers to
remain in
Barracks or
Quarters
during Elec-
tions.

allowed to go out of the Barrack or Quarters in which he is stationed, unless for the purpose of mounting or relieving guard, or for giving his vote at such Election, and that every Soldier allowed to go out for any such purpose within the limits aforesaid, shall return to his Barrack or Quarters with all convenient speed as soon as his guard shall have been relieved or vote tendered. 5

3.
Notice of
Elections to
be given.

And be it Enacted, That when and so often as any Election of any Member or Members to serve in the Commons House of Parliament shall be appointed to be made, the Clerk of the Crown in Chancery, or other Officer making out any new Writ for such Election, shall with all convenient speed after making out the said Writ, give notice thereof to the Secretary at War, or in case there shall be no Secretary at War, to the person officiating in his stead, who shall at some convenient time before the day appointed for such Election, give notice thereof in writing to the General Officer commanding in each district of Great Britain, who shall thereupon give the necessary orders for enforcing the execution of this Act in all places under his command. 10 15

4.
Not to apply
to Her
Majesty's
Guards, or to
Soldiers in
the Bank.

Provided always, and be it Enacted, That nothing in this Act contained shall be deemed to apply to any Soldiers attending as the Guards of Her Majesty, or any Person of the Royal Family, or to the Soldiers usually stationed or employed within the Bank of England. 20

5.
Act may be
amended or
repealed.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Troops during Elections.

A

B I L L

To regulate the Stations of Soldiers during
Parliamentary Elections.

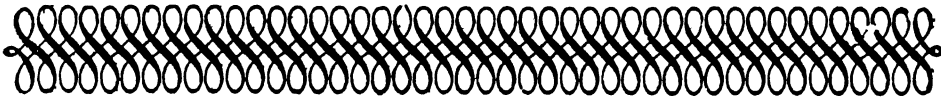
(*Prepared and brought in by*
Mr. Secretary at War and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
26 March 1847.

231.

Under 1 oz.

6 July 1847.—11 VICT.



A

B I L L

To facilitate the Investment of Trust Monies in the
Improvement of Land.

WHEREAS it is expedient that further facilities should be Preamble.
given for the permanent improvement of Land: And

whereas there may be now or hereafter in the hands or standing to the
account of the trustees of a settlement, will or codicil, monies produced
5 by the sale or received for equality of exchange of settled landed
estates under a power of sale or exchange, or under trusts for sale in
such settlement, will or codicil contained, or stocks or securities pur-
chased with such monies, and which monies are liable to be laid out
in the purchase of other lands, to be settled to the same or the like
10 uses, or upon and for the same or the like trusts and purposes as the
estates from the sale or exchange of which such monies were produced,
and there may be now or hereafter in the hands or standing to the
account of the trustees of a settlement, will or codicil, monies the pro-
duce of settled estates sold compulsorily or otherwise, for the purposes
15 of a Railway or other public work or undertaking, or other monies,
stocks or securities liable to be laid out or employed in the purchase
of lands; and it may happen that the said monies, stocks or securities
respectively may be advantageously laid out or employed in the
permanent improvement of lands remaining unsold or in settlement:
20 And whereas there may be now or hereafter in the hands or standing
to the account of trustees or guardians for infants or others under
legal disability, or in the hands or standing to the account of the com-
mittees of persons of unsound mind, monies, stocks or securities, which
may be advantageously laid out or employed in the permanent improve-
25 ment of the lands of such infants, persons of unsound mind, or others
under legal disability; ~~BE it therefore Enacted~~, by The QUEEN's
most Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-

1.
Trustees of
settled Estates
may apply to
Court of
Chancery by
Petition.

ment assembled, and by the Authority of the same, THAT it shall
be lawful for any such trustee or trustees (with the consent of any
person or persons beneficially interested, in possession, if of full age),
guardians, or committees, and they are hereby authorized to apply to
the High Court of Chancery in England, by petition to the Lord
Chancellor, praying that he or they may be authorized to lay out and
expend in the permanent improvement of any land vested in or in-
trusted to him or them as such trustee or trustees, guardians or com-
mittees, any sum or sums proposed by such petition, in such manner
as therein may be mentioned and described, and that such sum or sums
may be advanced out of any such monies, stocks or securities in the
hands or standing to the account of such trustees, guardians or com-
mittees as aforesaid.

2.
Court may
refer such
Petition to a
Master, and
obtain his
Report.

And be it Enacted, That upon the presentation of any such petition
as aforesaid, it shall be lawful for the said Court, without requiring
the attendance of any counsel or solicitor, to refer it to One of the
Masters of the said Court to make all necessary and proper inquiries,
and to consider all such evidence, estimates and valuations as shall
be produced before him in relation to the matter of such petition, and
to report whether in his opinion it will be beneficial to all persons
interested that the projected improvements or any part thereof should
be made, and whether the sum or sums of money in the said petition
mentioned or any part thereof should be advanced under the provisions
of this Act.

3.
Court may
confirm Re-
port, and
make an Or-
der thereon.

And be it Enacted, That such report shall be filed according to
the practice of the said Court, and when so filed, it shall be lawful
for the said Court, without requiring the attendance of any counsel
or solicitor, upon the petition of the original applicants, to confirm
the said report, and to make an order authorizing or permitting the
whole or any of the improvements in respect of which a favourable
report has been made, and directing that the expenses of making such
improvements, together with the expenses of and incidental to the
obtaining of the said order, be accordingly advanced out of such monies,
stocks or securities as may be approved for that purpose in the said
report, and thereupon it shall be lawful for such trustees or guardians
or committees to make such improvements and advances accordingly :
Provided always, That the amount of the expenses so ordered to be
advanced shall not in any case exceed the sum or sums approved by
the said report for the purposes of the said improvements.

4.
Master to
inquire and
report on the
due expen-
diture on
improvements
as ordered.

And be it Enacted, That after any sum or sums of money shall
have been so advanced as aforesaid, it shall be lawful for such trustees
or guardians or committees from time to time to apply to the said
Court, by petition to the Lord Chancellor, for a reference to one of
the

the said Masters, to ascertain that the same have been properly expended in or about the making of the improvements authorized to be made as aforesaid, and in paying or providing for the expenses of and incidental to the obtaining the said Order; and upon a Report being
 5 made by such Master finding that such sum or sums have been so properly expended as aforesaid, and upon the said Report being duly filed according to the practice of the said Court, then it shall be lawful for the said Court, without requiring the attendance of any counsel or solicitor, to make an Order to confirm such Report;
 10 and thereupon the trustees, guardians or committees concerned, shall be for ever fully released, exonerated and discharged from all and every liability or responsibility on account of or concerning the application of any such sum or sums in respect of which any such Report and Order has been made, subject, nevertheless, to any Orders of the
 15 Lord Chancellor from time to time in that behalf made or provided.

And be it Enacted, That in every case in which an advance shall be made under the provisions of this Act, the lands intended to be improved by means thereof shall, from the respective times of making any such advance, become and be charged with the repayment
 20 thereof to the trustees, guardians or committees, or others for the time being, entitled to be repaid the same, in such manner, with such priority, and subject to such conditions, provisoes and restrictions as the Lord Chancellor by any order in that behalf shall from time to time direct.

5.
 Advances to be charged on Lands improved.

And be it Enacted, That tenants for life and others having only a limited interest in the land charged shall be bound to pay such charges, interest or instalments as may be directed by any such order as last aforesaid, which shall from time to time become due and payable during the continuance of their respective estates or interests,
 30 and shall be bound to uphold and maintain in good order and condition the Works on account of which the lands shall have been so charged as aforesaid, as if such persons respectively were tenants for life, subject to impeachment for waste; and in case such tenants for life and others having such limited interest as aforesaid, shall not pay
 35 such charges, interest and instalments at the time when the same shall become due and payable, the trustees, guardians or committees entitled to receive the same shall apply to the said Court by petition for the appointment of a Receiver to collect the rents of such lands until such charges, interest and instalments shall have been duly paid, and it
 40 shall be lawful for the said Court to appoint such Receiver accordingly, and to make such further order in the matter as to the said Court may seem fit.

6.
 Tenants for life to keep down charges and maintain works.

7.
Interpreta-
tion of terms.

And be it Enacted, That, for the purposes of this Act, the words " Lord Chancellor " shall mean and include the Lord High Chancellor of Great Britain, the Lord Keeper and Commissioners of the Great Seal for the time being ; and any word importing the singular number shall mean and include several persons or things as well as one person or thing ; and any word importing the plural number shall mean and include one person or thing as well as several persons or things ; and any word importing the masculine gender only shall mean and include males as well as females, unless such meanings be repugnant to or inconsistent with the context or subject-matter in which they occur.

5

10

8.
Act not to
extend to
Scotland or
Ireland.

And be it Enacted, That nothing in this Act contained shall extend to Scotland or Ireland, or to any trust or property therein.

9.
Act may be
amended.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Trust Monies Investment.

A

B I L L

To facilitate the Investment of Trust Monies
in the Improvement of Land.

(Prepared and brought in by
Mr. George William Hope, Lord Courtenay and
Mr. Walpole.)

Ordered, by The House of Commons, to be Printed,
6 July 1847.

622.

Under 1 oz.

21 May 1847.—10 VICT.



(Ireland.)

A

B I L L

To facilitate the temporary Investment of Trust Monies in
the Improvement of Landed Property in Ireland.

W~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ it is expedient that further facilities should be Preamble.
given for the permanent improvement of Lands in Ireland :
And whereas it may happen that there are now, or hereafter may be,
in the hands or standing to the account of trustees or a trustee of
5 a settlement or will or codicil, monies produced by the sale or received
for equality of exchange of settled estates or hereditaments in Ireland,
under a power of sale or exchange, or under trusts for sale, in such
settlement or will or codicil contained, or stocks or securities pur-
chased with such monies, and which monies are liable to be laid out
10 in the purchase of other estates or hereditaments in Ireland or else-
where, to be settled to the same or the like uses, or upon and for the
same or the like trusts and purposes as the estates or hereditaments
from the sale or exchange of which such monies were produced, and
there may be now or hereafter monies in the hands or standing to the
15 account of trustees or a trustee of a settlement, will or codicil, pro-
duced by a sale or sales of settled lands or hereditaments in Ireland,
compulsorily or otherwise, made to or for the purposes of a Rail-
way or other public work, or other monies, stocks or securities
liable to be laid out in the purchase of lands or hereditaments,
20 and which monies respectively may be advantageously advanced for
the purpose of being laid out in the permanent improvement of the
lands or hereditaments remaining unsold or in the settlement for
the time being, and there may be now or hereafter monies or
stocks or securities in the hands or standing to the account of
25 trustees or guardians for infants or others under legal disability, or
monies of persons of unsound mind, which may be advantageously
advanced for the purpose of being employed in the permanent improve-
ment

1.
Trustees of
settled Estates
may apply to
Court of
Chancery by
Petition.

nment of the estates of such infants, persons of unsound mind, or others under legal disability ; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for any such trustee or trustees (with the consent of any person or persons beneficially interested, in possession, if of full age), or guardian or guardians, and for the committee or committees of any persons of unsound mind, and they are hereby authorized to apply to the High Court of Chancery in Ireland, by petition to the Lord High Chancellor, praying that he or they may be authorized to make any such permanent improvements of such lands or hereditaments in Ireland respectively as aforesaid, by laying out and expending thereon any sum or sums proposed by such petition, in such manner as therein may be mentioned and described, and in such petition to pray that the expenses of making any such permanent improvements may be defrayed by advances out of any such monies or funds in the hands or to the account of such trustees or guardians or others, as aforesaid.

2.
Court may
refer such
Petition to a
Master, and
obtain his
Report.

And be it Enacted, That upon the presentation of any such petition as aforesaid, it shall be lawful for the said Court, without requiring the attendance of any counsel or solicitor, to refer it to One of the Masters of the said Court to make all necessary and proper inquiries, and to consider all such evidence, estimates and valuations as shall be produced before him in relation to the matter of such petition, and thereupon to report whether in his opinion it will be beneficial to all persons interested in the lands that such permanent improvements as last aforesaid should be made under the provisions of this Act.

3.
Court may
confirm Re-
port, and
make an Or-
der thereon.

And be it Enacted, That such report shall be filed according to the practice of the said Court, and that thereupon it shall be lawful for the said Court, without requiring the attendance of any counsel or solicitor, upon the petition of the party obtaining the same, to confirm the said report absolutely, and to make an order authorizing or permitting such permanent improvements to be made, and the expenses of making the same, together with the expenses of obtaining the authority of the said Court, to be accordingly advanced out of such monies respectively aforesaid, and that thereupon it shall be lawful for such trustees or guardians or other person or persons to whom such monies or funds as aforesaid shall have been paid, or in whose care, custody or possession the same shall be and remain for the time being in the several cases respectively aforesaid, to advance and lay out such monies accordingly.

And

And be it Enacted, That after such monies shall have been so advanced and laid out as aforesaid, it shall be lawful for such trustees or guardians or others, from time to time to apply to the said Court, by petition to the Lord High Chancellor, for a reference to the said Master, to ascertain that the same have been properly expended in or about the making of such improvements, and in paying or providing for the expenses incurred and to be incurred, of obtaining the authority of the said Court; and that upon the said Master making his said Report, and thereby finding that such monies or any part thereof had been so properly expended as aforesaid, and upon the said Report being duly filed according to the practice of the said Court, that then it shall be lawful for the said Court, without requiring the attendance of any counsel or solicitor, to make an Order to confirm the said Report absolutely; and thereupon such trustee or trustees, guardian or guardians or committees, or other such persons as aforesaid, shall be for ever fully released, exonerated and discharged from all and every liability or responsibility on account of or concerning any such application of any such trust or other monies or such part thereof in respect of which such Order shall have been so made as last aforesaid, subject, nevertheless, to any orders or provisions of the Lord Chancellor from time to time in that behalf made or provided.

4.
Master to inquire and report on the due expenditure on improvements as ordered.

And be it Enacted, That in every case in which such advances shall be made as last hereinbefore authorized, the lands intended to be improved by means thereof shall, from the respective times of making such advances, become and be charged with the repayment to such trustees, guardians or committees, or others for the time being, making or entitled to be repaid such advances of the amount of such respective advances, in such manner, with such priority, and subject to such conditions, provisoes and restrictions as the Lord Chancellor by any order or provision in that behalf shall from time to time direct.

5.
Advances to be charged on Lands improved.

And be it Enacted, That tenants for life and others having only a limited interest in the land charged shall be bound to pay such charges, interest or instalments as may be directed by any such order or provision as last aforesaid, which shall from time to time become due and payable during the continuance of their respective estates or interests, and shall be bound to uphold and maintain in good order and condition the Works on account of which the lands shall have been so charged as aforesaid, as if such persons respectively were tenants for life, subject to impeachment for waste; and in case such tenants for life and others shall not pay such charges, interest and instalments as may be directed by any such order or provision at the time when the same shall so become due and payable, such trustees, guardians or committees or others, shall apply to the said Court of Chancery by petition

6.
Tenants for life to keep down charges and maintain works.

petition for the appointment of a Receiver to collect the rents of such lands until such charges, interest and instalments shall have been duly paid, and that upon such petition it shall be lawful for the said Court to appoint such Receiver, and to make such further order or provision in the premises as to the said Court may seem fit.

7.
Act may be
amended.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Trust Money Investment.
(Ireland.)

A

B I L L

To facilitate the temporary Investment of
Trust Monies in the Improvement of Landed
Property in Ireland.

(Prepared and brought in by
Viscount Newry and Lord Courtenay.)

Ordered, by The House of Commons, to be Printed,
21 May 1847.

443.

Under 1 oz.

Trustees Relief.

ARRANGEMENT OF CLAUSES.

Trustees may pay Monies or transfer Stocks and Securities into Court of Chancery, and Receipt of Bank, &c. to be sufficient Discharge ; Sect. 1.

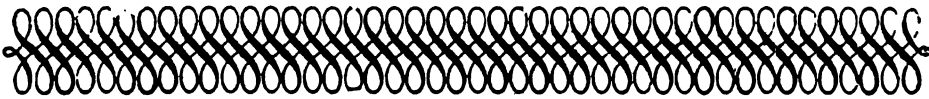
Court may make Orders, on Petition, without Suit, for Application of Trust Monies, &c. ; 2.

Lord Chancellor, &c., may make Orders under this Act ; 3.

Construction of Expression "Lord Chancellor ;" 4.

Act may be amended, &c. ; 5.

9 July 1847.—11 VICT.



A

B I L L,

INTITULED,

AN ACT for better securing Trust Funds, and for the Relief of Trustees.

WH ~~HEREAS~~ it is expedient to provide means for better Preamble.
securing Trust Funds, and for relieving Trustees from the
responsibility of administering Trust Funds in cases where they are
desirous of being so relieved; ~~BE it Enacted~~, by The QUEEN'S
5 most Excellent MAJESTY, by and with the Advice and Consent of
the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, THAT
all Trustees, Executors, Administrators or other persons, having in
their hands any monies belonging to any trust whatsoever, or the
10 major part of them, shall be at liberty to pay the same, with the
privity of the Accountant-General of the High Court of Chancery,
into the Bank of England, to the account of such Accountant-General
in the matter of the particular trust (describing the same by the
names of the parties, as accurately as may be, for the purpose of
15 distinguishing it), in trust to attend the orders of the said Court;
and that all Trustees or other persons having any annuities or stocks
standing in their name in the books of the Governor and Company of
the Bank of England, or of the East India Company, or South Sea
Company, or any Government or Parliamentary securities standing
20 in their names, or in the names of any deceased persons of whom
they shall be personal representatives, upon any trusts whatsoever,
or the major part of them, shall be at liberty to transfer or deposit
such stocks or securities into or in the name of the said Accountant-
641. General,

1.
Trustees may
pay Trust
Monies or
Transfer
Stocks and
Securities into
the Court of
Chancery.

Receipt of
Bank Cashier,
or Certificate
of proper
Officer, to be
sufficient
discharge for
Amount paid
or transferred.

General, with his privity, in the matter of the particular trust (describing the same as aforesaid), in trust to attend the Orders of the said Court; and in every such case the receipt of one of the Cashiers of the said Bank for the money so paid, or, in the case of stocks or securities, the certificate of the proper officer, of the transfer or deposit of such stocks or securities, shall be a sufficient discharge to such Trustees or other persons for the money so paid, or the stocks or securities so transferred or deposited.

5

2.
Court of
Chancery to
make Orders
on Petition,
without Suit,
for Applica-
tion of Trust
Monies and
Administra-
tion of Trust.

And be it Enacted, That such orders as shall seem fit shall be from time to time made by the High Court of Chancery in respect of the trust monies, stocks or securities so paid in, transferred and deposited as aforesaid, and for the investment and payment of any such monies or of any dividends or interest on any such stocks or securities, and for the transfer and delivery out of any such stocks and securities, and for the administration of any such trusts generally, upon a petition to be presented in a summary way to the Lord Chancellor or the Master of the Rolls, without bill, by such party or parties as to the Court shall appear to be competent and necessary in that behalf, and service of such petition shall be made upon such person or persons as the Court shall see fit and direct; and every order made upon any such petition shall have the same authority and effect, and shall be enforced and subject to re-hearing and appeal, in the same manner as if the same had been made in a suit regularly instituted in the Court; and if it shall appear that any such trust funds cannot be safely distributed without the institution of one or more suit or suits, the Lord Chancellor or Master of the Rolls may direct any such suit or suits to be instituted.

10

15

20

25

3.
Lord Chan-
cellor, with
Master of the
Rolls, or One
Vice Chan-
cellor, may
make General
Orders under
this Act.

And be it Enacted, That the Lord Chancellor, with the assistance of the Master of the Rolls, or of one of the Vice Chancellors, shall have power and is hereby authorized to make such orders as from time to time shall seem necessary for better carrying the provisions of this Act into effect.

30

4.
Construction
of expression
" Lord Chan-
cellor."

And be it Enacted, That in the construction of this Act the expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Great Britain, for the time being.

35

5.
Act may be
amended, &c.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Trustees Relief.

A

B I L L,

INTITULLED,

AN ACT for better securing Trust Funds,
and for the Relief of Trustees.

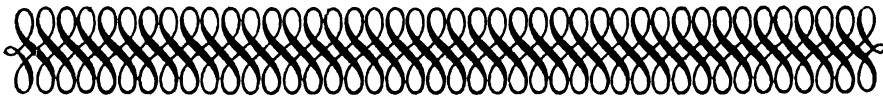
(*Brought from the Lords, 6 July 1847.*)

*Ordered, by The House of Commons, to be Printed,
9 July 1847.*

641.

Under 1 oz.

18 May 1847.—10 VICT.



A

B I L L

To continue certain Turnpike Acts.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

Preamble.

5 **W**H **E**R **E**A **S** it is expedient that the several Acts here-
inafter specified should be continued for a limited time;
BE it **E**nacted, by The QUEEN's most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, **T**HAT every Act now in force for
regulating, making, amending or repairing any Turnpike Road in
Great Britain which will expire on or before the End of the next
Session of Parliament, shall be continued until the *First day of*
10 *October in the year One thousand eight hundred and Forty-eight, and*
to the End of the then next Session of Parliament.

1.
Continuance
of Acts.

And be it Enacted, That this Act may be amended or repealed by
any Act to be passed in this Session of Parliament.

2.
Act may be
amended or
repealed.

Turnpike Acts Continuance.

A

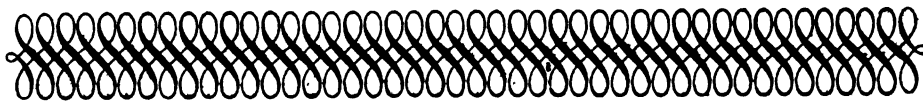
B I L L

To continue certain Turnpike Acts.

(Prepared and brought in by
Sir William Somerville and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
18 May 1847.

10 May 1847.—10 VICT.



(Ireland.)

A

B I L L

To continue certain Acts for regulating Turnpike Roads in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HER~~ ~~AS~~ certain Acts for making, amending and re- Preamble.
pairing the Turnpike Roads in Ireland were, by an Act
passed in the Session of Parliament holden in the fourth and fifth
years of the reign of Her present Majesty, amended and continued
5 for a time therein limited :

And whereas, under the provisions of Acts passed respectively in
the Sessions of Parliament holden in the fifth, and in the fifth and
sixth, and in the sixth and seventh, and in the seventh and eighth,
10 and in the eighth and ninth years of Her Majesty's reign, the said
Acts, except as therein mentioned, were further continued for a time
therein limited :

And whereas, under the provisions of an Act of the last Session of
Parliament, the said Acts are further continued, and will remain in
15 force until the Thirty-first day of July in the present year, or if
Parliament be then sitting, until the end of the then Session of Par-
liament :

And whereas it is expedient that the several Acts for making,
amending or repairing Turnpike Roads in Ireland should be further
continued :

1.
Expiring Acts
for making or
repairing
Turnpike
Roads in
Ireland
further con-
tinued.

BE it therefore Enacted, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, THAT any Act for
making, amending or repairing any Turnpike Road or Roads in Ireland, 5
which will expire on the said Thirty-first day of July in the present
year, or at or before the End of the present or next ensuing Session
of Parliament, shall be and the same is hereby continued as amended
by the said recited Act of the fourth and fifth years of Her Majesty's
reign, until the *Thirty-first day of July One thousand eight hundred* 10
and Forty-eight, or if Parliament be then sitting, until the End of the
then Session of Parliament.

2.
Act may be
amended, &c.
this Session.

And be it Enacted, That this Act may be amended or repealed by
any Act to be passed in this present Session of Parliament.

Turnpike Roads (Ireland).

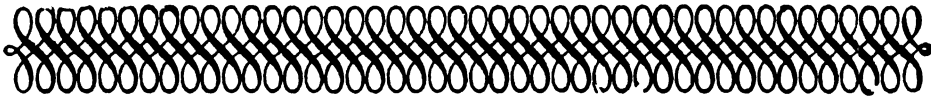
A

B I L L

To continue certain Acts for regulating Turnpike
Roads in Ireland.

(Prepared and brought in by
Mr. Solicitor-General for Ireland and
Mr. Labouchere.)

Ordered, by The House of Commons, to be Printed,
10 May 1847.



A

B I L L

For the further Amendment of the Laws relating to Turnpike Roads in South Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS it is expedient to amend an Act passed in the Session held in the seventh and eighth years of the reign of Her present Majesty, intituled, “An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales :”

Preamble.

5 And whereas by the said Act provision is made for the assessing, levying and collecting of a rate for the purposes of the said Act, to be termed a County Road Rate, and also for the levying and collecting of Tolls, and the distances within which it shall be lawful to collect the same, and for other purposes :

10 And whereas difficulty has been found in carrying these and other provisions of the said Act into execution ;

BE it Enacted, by The QUEEN’S most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said recited Act as requires the High Constables of any hundred or division to perform any part or duty in the levying or collecting of any County Road Rates, or to act in anywise therein, shall be and is hereby repealed, and the provisions of an Act passed in the same last-mentioned Session of Parliament, intituled, “An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain

1.
High Con-
stables not to
act in collec-
tion of County
Road Rates.

other Duties," shall be deemed to apply to such County Road Rates in like manner as to any County Rates.

2.
County Road
Rate to be
collected by
the same
persons as
the County
Rate.

And be it Enacted, That whenever the Justices of the Peace in any of the counties in South Wales to which the said first-recited Act applies, shall, in conformity with the provisions and for the purposes 5 of the said Act, order a County Road Rate to be assessed and collected with and as part of the County Rate for any of the said Counties respectively, they shall cause the same to be collected by the same officers or parties as shall for the time being collect the County Rate; and in every precept or warrant to be issued for the 10 collection of the said County Rate and County Road Rate jointly, the amount assessed upon each parish, township or other place in respect of each of such rates shall be set forth separately.

3.
Clerks of the
Peace to send
copies of
Warrants of
Justices to
Clerks of
Boards of
Guardians
in certain
cases.

And be it Enacted, That in any case in which the Justices of any such County shall not issue their precept to the Guardians of any 15 Union for the payment of the County Rate to the Treasurer of the County, in conformity with the Statute in that behalf, then and in such case the Clerk of the Peace of such county shall, so soon as the warrants for the collection of the County Rate and of the County Road Rate shall have been issued, send a copy of every such warrant 20 which shall relate to any parish or other place comprised in such Union to the Clerk to the Guardians of such Union.

4.
Clerks of
Boards of
Guardians
to ascertain
the proportion
which
the County
Road Rate
forms of the
Poor Rate
assessment,
and to give
notice thereof
to Overseers.

And be it Enacted, That the Clerk to the Board of Guardians of every Union, either wholly or in part contained within the several counties to which such first-recited Act applies, upon the receipt of the 25 precept of the Justices, or of the copy of the warrant, as the case may be, shall (so soon as the sum stated therein shall have been paid in pursuance of the precept or warrant) compare the amount of the County Road Rate assessed upon each parish or other place within his Union, with the amount of the last assessment which shall have been allowed 30 by the Justices for the purpose of being levied in such parish or place for the relief of the poor, out of which the said sum shall have been paid, and shall ascertain the proportionate amount in the pound which such County Road Rate bears in reference to the whole amount of the said assessment, and shall forthwith transmit to the Overseers 35 of such parish or place, or to the Assistant Overseers or Collectors, if any there be, a statement of such proportionate amount; and every such Clerk shall receive for his trouble therein such compensation, out of the monies to be raised by such County Road Rate, as the Justices at their General Quarter Sessions assembled shall deem fit. 40

5.
Overseers to
publish notice
of the proportion so

And be it Enacted, That the Overseers, Assistant Overseers or Collectors shall, upon receipt of such statement as aforesaid, give and

and publish notice in like manner as parochial notices are usually given and published in such parish or place, of the proportionate amount in the pound of the County Road Rate, so stated by the said Clerk to the Guardians, and the said Overseers, As-

ascertained,
and to give
certificates to
rate-payers of
amount of
Road Rate
paid by them.

- 5 Assistant Overseers or Collectors, who shall be entitled to receive or shall have received the last rate upon which the proportion shall have been ascertained as aforesaid, shall, upon request of any party who shall have paid any rate contained in such assessment, compute and certify in writing the sum which such party has con-
10 tributed to the County Road Rate out of the sum so paid, according to the proportion declared by the said Clerk as aforesaid; and such certificate shall be signed by such Overseer, Assistant Overseer or Collector, and the sum therein stated to have been contributed to the County Road Rate shall, if correctly computed, be the sum which
15 the occupier shall be empowered to deduct from the next payment of his rent, according to the provisions of the said first-recited Act; and any Overseer, Assistant Overseer or Collector who shall refuse to give any such certificate as aforesaid, upon demand of the person entitled to receive the same, shall be liable to a penalty not exceeding *Twenty*
20 *Shillings*, upon conviction before the Justices of the County in which the parish shall be situated, to be recovered and applied as penalties under the Act of the fifth year of the reign of his late Majesty for the amendment of the laws for the relief of the poor.

- And be it Enacted, That the said Clerk to the Guardians shall
25 be empowered to call upon the Overseers, or other persons having the custody thereof, for the Rate or Rate-books, which he shall require for the purpose aforesaid, as and when he shall so require them, giving reasonable notice for the same; and every person having the custody thereof who shall wilfully neglect or refuse to allow him to have or
30 inspect the same for such purpose, shall be liable to forfeit and pay a sum not exceeding *Five Pounds*, upon conviction before the Justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act of the fifth year of the reign of his late Majesty for the amendment of the laws for the relief of
35 the poor.

6.
Clerk to the
Guardians
empowered to
call for Rate
Books, &c.

- And be it Enacted, That in the case of any parish or place not forming part of any Union under the laws relating to the relief of the poor, all the acts, matters and things hereby directed to be done and performed by the Clerk to the Board of Guardians, shall, so far as the
40 same are practicable, be done and performed in like manner by the Overseers or other persons empowered by law to levy the County Rates, Police Rates, or other rates in such parish or place for the time being.

7.
Where a
parish does
not form part
of a Union,
Overseers to
act in like
manner as
Clerks to
Guardians.

8.
Rate already
made declared
valid, but to
be collected
according to
this Act.

AND whereas, before the passing of this Act, certain rates have been made, and certain sums of money have been ordered by the Justices of certain of the said Counties, in Quarter Sessions assembled, to be levied and collected as and for County Road Rate, but by reason of the difficulties before mentioned in carrying the said first-recited Act into operation, the same could not be or have not been collected ; BE it Enacted, That such rates shall be deemed to be good and valid, but the said Justices shall issue new precepts or warrants for the levying and collecting of the same, or such parts thereof as shall not have been levied or collected, to the Guardians, Overseers or other persons empowered by law to collect the same, under the provisions of the said secondly-recited Act and of this Act ; and the provisions and regulations in this Act contained shall apply to the said last-mentioned rates, in like manner as to any rates to be hereafter made.

9.
Mode of
measuring
roads in
reference to
clearing of
gates defined.

AND whereas by the said recited Act it is enacted, " that from and after the repeal of the said local Acts respectively, when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing any carriage or vehicle, at any tollgate or bar within any of the said counties, no toll shall thereafter be taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle on the same day (to be computed from Twelve of the clock of the night to Twelve of the clock in the next succeeding night), for repassing through the same gate or bar, or for passing or repassing through any other gate or bar in the same county, within the distance of Seven Miles from the gate or bar at which such toll shall have been taken (such distance measured along turnpike-roads only), nor for passing or repassing through any gate or bar in any other of the said counties adjoining, within the distance of Two Miles from the gate or bar at which such toll shall have been taken, to be measured as aforesaid, along and in respect of turnpike-roads within either of such counties:" AND whereas doubts have arisen in what manner and along what description of roads such distances respectively ought to be measured, and whether portions of road within the boundaries of cities or towns separately maintaining their own roads, and also whether county bridges and the approaches thereto, and ferries, ought to be included in or excluded from such measurement ; FOR the removal of such doubts, it is hereby Declared and Enacted as follows ; (that is to say)

Wherever there is a continuous line of turnpike-road between two turnpike-gates, such distances shall be measured along such continuous turnpike-road :

A turnpike-

A turnpike-road shall be deemed to be continuous, for the purpose of such measurement, notwithstanding that any county bridge or the approaches thereto, or any ferry, or any roads within the limits of any city or town which may be maintained by any local Commissioners, or which may be separately maintained according to the provisions of the said recited Act, may intervene so as to form part of the line of such continuous turnpike-road between two gates; and in any such case the portions of road upon or forming the approaches to such county bridge and such ferry shall be included; but the roads within the limits of any such city or town (if the same be a market-town, but not otherwise) shall be excluded from such measurement.

And be it Enacted, That if any member of any County Roads Board shall absent himself from the meetings of the said Board for the space of *Twelve* Months continuously, the Justices of the Peace for such county shall, at any General Quarter Sessions held after the expiration of such period, elect and appoint another person in the room of such member, in like manner as if such member had died or resigned.

10.
Power to fill up vacancies in County Roads Boards occasioned by non-attendance.

AND whereas certain roads, or portions of road, included within the powers of an Act passed in the third year of the reign of his Majesty King GEORGE the Fourth, and intituled, "An Act for continuing the Term and altering the Powers of Three Acts for repairing the Roads leading from Ryeway, in the Parish of Yaspole, in the County of Hereford, to Presteigne, in the County of Radnor, and several other Roads therein mentioned, in the said County of Radnor, and in the Counties of Hereford and Salop," are locally situated within the county of Radnor, and it is expedient that certain of the regulations applicable to the other roads within the said county should extend to and include the said first-mentioned roads; BE it therefore Enacted, That it shall and may be lawful for the Trustees acting under the powers of the said recited Act to reduce the Tolls payable at any turnpike-gate on any of such first-mentioned roads situate within the said county, to the amounts specified in the Second Schedule to the said first-recited Act annexed, and thereupon to agree with the County Roads Board of the said county that all turnpike-gates upon such first-mentioned roads shall clear the turnpike-gates upon roads within the jurisdiction of the said County Roads Board, which may be situate within the distance of Two Miles therefrom, and shall be cleared by such last-mentioned turnpike-gates reciprocally; and in that case such distance shall be measured and computed according to the rules hereinbefore prescribed for the measurement of distances between turnpike-gates for the purposes of this and the said first-recited Act.

11.
Regulation of Roads of Presteigne Trust, situate in the county of Radnor.

12.
Compensation to be made to Trustees of Presteigne Trust.

AND whereas some diminution of tolls may, by reason of this Act, be occasioned to the Trustees acting under the provisions of the last-recited Act, and it is reasonable that compensation should be made to them for the same ; BE it Enacted, That it shall be lawful for the County Roads Board of the County of Radnor to agree with the said Trustees for the payment to them and their successors of such annual sum, to be paid at such times and in such manner as shall be determined and specified by such agreement, and such agreement shall be valid and effectual in law : Provided, That such payment as aforesaid shall always be made out of the County Roads Fund of the said county, and shall form a charge upon such County Roads Fund next in order after the annuity payable to the Public Works Loan Commissioners, and prior to all other charges upon the same. 5 10

13.
Repeal of 31 Geo 3, c. , and 9 Geo. 4, c. ,

And be it Enacted, That an Act passed in the thirty-first year of the reign of King GEORGE the Third, intituled, "An Act for amending, widening and keeping in Repair the Road leading from the Town of Haverfordwest, through the Town of Fishguard, to the Town of Newport in the County of Pembroke, and also from the Town of Fishguard to the City of Saint David's in the said County of Pembroke;" and also another Act passed in the ninth year of the reign of King GEORGE the Fourth, intituled, "An Act for repairing the Roads from Tavernspite to the Towns of Pembroke and Tenby and to Hubberston Hakin, and from Loveston Mountain to Cavaston Bridge, and from the end of Toch Lane on the said Road from Tavernspite to Hubberston Hakin to the Road from Loveston Mountain to Cavaston Bridge, and from the Parish of Cranwear to Pembroke Dock and Hobb's Point, all in the County of Pembroke," shall be and the same are respectively hereby repealed. 15 20 25

14.
Operation of Act to commence on

And be it Enacted, That this Act shall come into operation on the day of next. 30

15.
Act to be construed in like manner as 7 & 8 Vict. c. 61, and 8 & 9 Vict. c. 61.

And be it Enacted, That the Act passed in the Session held in the seventh and eighth years of the reign of Her present Majesty, intituled, "An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales," and another Act passed in the Session held in the eighth and ninth years of the reign of Her said Majesty, intituled, "An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in South Wales," and the present Act, shall be construed as one Act. 35

16.
Act may be amended.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Turnpike Roads (South Wales).

A

B I L L

For the further Amendment of the Laws relating
to Turnpike Roads in South Wales.

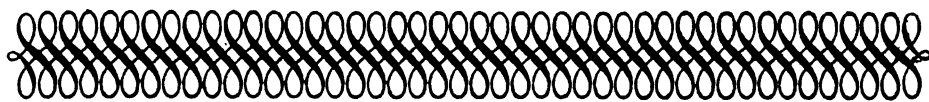
(Prepared and brought in by
Mr. Attorney-General and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
23 June 1847.

555.

Under 1 oz.

10 May 1847.—10 VICT.



A

B I L L,

INTITULED,

AN ACT for protecting from Vexatious Actions Persons discharging Public Duties.

WH **H**EREAS it is expedient that all persons discharging Preamble.
public duties, whether legislative, judicial or ministerial,
and whether imposed by the Common, the Ecclesiastical or the Sta-
tute Law of the Realm, should be protected from Vexatious Actions :

5 And whereas it would greatly conduce to this salutary end if the
Law respecting Notices of Actions, Limitations of Actions, Venue,
Tender of Amends, Payment of Money into Court, Pleas of the
General Issue, and Costs, were, so far as regards Actions or Suits
commenced against any of such persons, uniform :

10 And whereas by an Act passed in the Session of Parliament held
in the fifth and sixth years of the reign of Her present Majesty, 5 & 6 Vict.
c. 97.
intituled, "An Act to amend the Law relating to Double Costs,
Notices of Actions, Limitations of Actions, and Pleas of the General
Issue under certain Acts of Parliament," the objects here contem-
15 plated were partially effected : But it is expedient to alter some of
the provisions therein contained, and to embody the remainder in a
more comprehensive Act ;

BE it therefore Enacted, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spiritual
20 and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT from and after the passing
of this Act the hereinbefore-mentioned Act shall be and the same is
hereby repealed.

1.
Repealing
5 & 6 Vict.
c. 97.

367.

A

And

2.
Repeal of
21 Jac. 1, c. 12,

42 G. 3, c. 85,
ss. 5, 6,

and of Clauses
in all Acts giv-
ing similar
protection,
&c.

And be it Enacted, That an Act passed in the twenty-first year of the reign of his Majesty King JAMES the First, intituled, "An Act to enlarge and make perpetual an Act made for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other of his Majesty's Officers for the lawful Execution of their Office, made in the Seventh Year of his Majesty's most happy Reign;" and also so much of an Act passed in the forty-second year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the trying and punishing in Great Britain Persons holding public Employment for Offences committed Abroad, and for extending the Provisions of an Act passed in the Twenty-first Year of the Reign of King JAMES, made for the Ease of Justices and others in pleading in Suits brought against them, to all Persons either in or out of this Kingdom authorized to commit to safe Custody," as extends the provisions of the said Act passed in the twenty-first year of the reign of King JAMES the First to any persons who may by law commit persons to safe custody within this kingdom; and also so much of any clause, provision or enactment in any Act of Parliament as affords to any person acting or intending to act under or by virtue, or in pursuance or under the authority or in execution, of any Act of Parliament, any special protection or privilege in regard to notice of action, notice of cause of action, limitation of action, venue, tender of amends, payment of money into court, pleading the general issue, and giving special matter in evidence under it, or costs; shall be and the same are hereby respectively repealed.

3.
Proviso.

Provided always, and be it Enacted, That nothing herein contained shall be construed to repeal or alter so much of the said Act passed in the forty-second year of the reign of his Majesty King GEORGE the Third, as relates to persons who may by law commit persons to safe custody out of this kingdom, or so much of any other Act of Parliament as affords any such protection or privilege as aforesaid to any person while acting or intending to act out of this kingdom under or by virtue, or in pursuance or under the authority or in execution, of any Act or Acts, Statute or Statutes, Ordinance or Ordinances, or Law or Laws, or lawful authority, in any Plantation, Island, Colony, or Foreign Possession of Her Majesty.

4.
Notice of
Action.

And be it Enacted, That no action or suit shall be commenced against any person for any act done or omitted to be done by him whilst acting or bonâ fide intending to act in the discharge of any public duty, whether legislative, judicial or ministerial, and whether imposed by the Common Law, the Ecclesiastical Law, or any Act of Parliament now passed or hereafter to be passed, until the full expiration of One calendar Month next after notice in writing shall have

have been delivered to him, or left at his usual or last place of abode, by the person who intends to commence such action or suit, or by his attorney or agent; and such interval of One calendar Month between the service of the notice and the commencement of the
5 action or suit shall in all cases be sufficient.

And be it Enacted, That such notice shall contain a clear and explicit statement of the cause of action, and of the name and place of abode both of the person who intends to commence such action or suit and of his attorney or agent; and no evidence shall be admissible on
10 behalf of the plaintiff on the trial of any such action or suit except such as supports the cause of action so stated in such notice.

5.
Notice of
Cause of
Action.

And be it Enacted, That no action or suit shall be commenced against any person for any such act or omission as aforesaid after the full expiration of Six calendar Months next after the cause of action
15 shall have arisen, or in the case of continuing damage after the full expiration of Three calendar Months next after such damage shall have ceased; but in all cases the plaintiff shall be entitled to commence any such action or suit at any time before the expiration of such Six Months and Three Months respectively; provided that the
20 provisions last mentioned touching the periods of Six Months and Three Months shall not extend or apply to any actions brought or to be brought in this country in respect of any matter or thing done or happening in any place beyond the seas out of Europe.

6.
Limitation of
Action.

And be it Enacted, That if in any action or suit hereafter to be
25 commenced against any person for any such act or omission as aforesaid the venue is laid in the county, district or place where the cause of Action is alleged to have accrued, the trial shall be had in such county, district or place, unless both the plaintiff and defendant consent and agree that the venue shall be changed, and that the trial
30 shall be had in some other county, district or place; and if in any such action or suit as aforesaid the venue is laid in any other county, district or place than the county, district or place where the cause of action is alleged to have accrued, the defendant shall have the same privilege as a defendant in ordinary transitory actions now has of
35 changing the venue, and in the event of his exercising such privilege the plaintiff shall not be entitled to bring back the venue to the original county, district or place, merely on an undertaking by him to give material evidence in such county, district or place: Provided always, That nothing herein contained shall preclude the Court in
40 which such action or suit shall be brought from directing that the venue shall be brought back to the original county, district or place, if the plaintiff can show to the satisfaction of such Court that there is

7.
Venue.

reasonable ground for believing that a fair trial cannot otherwise be had.

8.
Tender of
Amends.

And be it Enacted, That any person as aforesaid who has been served with any such notice of action as aforesaid may, at any time within One calendar Month after such notice has been received by him, tender amends to the person complaining, or his attorney or agent ; and, in case the same is not accepted, plead such tender in bar of any action to which such notice refers, either alone or together with the general issue, or any other pleas which the Court wherein such action is pending, or any One of the Judges of the Superior Courts at Common Law, may allow ; and such plea of tender need not be signed by counsel, and shall have the same effect as the like plea now has in ordinary actions, excepting only that it shall not, neither shall the fact of tender, be regarded in the light of any admission of the cause of action.

9.
Payment of
Money into
Court.

And be it Enacted, That any person as aforesaid who has neglected to tender amends or has tendered insufficient amends within the time above specified may, in the event of any such action as aforesaid being brought against him, pay into the Court in which such action is pending any sum of money by way of compensation or amends, and plead such payment, either alone or together with the general issue, or any other pleas that the said Court or any One of the Judges of the Superior Courts at Common Law may allow ; and no permission of the said Court or of any Judge shall be necessary before such payment shall be made ; neither shall such plea of payment of money into Court be signed by counsel, but such plea shall have the same effect as the like plea now has in ordinary actions, excepting only that it shall not, neither shall the fact of paying money into Court, be regarded in the light of any admission of the cause of action.

10.
Plea of
General Issue.

And be it Enacted, That any person as aforesaid against whom any such action as aforesaid shall be commenced may plead the general issue, and under that plea set up any defence that could be specially pleaded, whether such defence be founded wholly or partly on the statute, or be merely sustainable at common law, excepting only the defences of tender of amends or of payment of money into Court as aforesaid, which must in all cases be specially pleaded : Provided always, That whenever the defendant intends to plead the general issue, and to set up any defence under it which could be specially pleaded, he must insert in the margin of such plea the words "by statute," and must also specify or cause to be specified in such margins respectively the Act or Acts of Parliament on which he intends to rely for a justification of his conduct, or

or in the event of his defence resting on any duty imposed upon him by the Common or Ecclesiastical Law, he must state or cause to be stated in such margins respectively whether such duty is imposed by the Common Law or the Ecclesiastical Law, otherwise such plea shall be taken not to have been pleaded by virtue of this Act; and these matters so inserted in the margin of the plea shall be also inserted in the margin of the issue and the Nisi Prius Record: Provided always, That the defendant shall describe the Act or Acts of Parliament on which he intends to rely, by stating the chapter and session of such Act or Acts in words or figures: Provided also, That such plea shall not be permitted in conjunction with any special plea, excepting only the pleas of tender of amends or of payment of money into Court as aforesaid: Provided also, That nothing herein contained shall deprive the defendant of the right, if he thinks fit to exercise it, of pleading the general issue, omitting the memorandum in the margin as aforesaid, and such other pleas as the Court or Judge will allow; but in this case the plea of the general issue shall have the same effect as, and no other than, such plea now has in ordinary actions; and the defendant shall not thereunder be entitled to object to the want or insufficiency of the notice of action, or that the action or suit has been commenced after the time limited by law, neither shall the plaintiff under such last-mentioned plea be bound to show that the cause of action on which he relies on the trial is in conformity with that stated in the notice.

25 And be it Enacted, That the defendant in any such action or suit as aforesaid who succeeds, either by obtaining a verdict or by having judgment in his favour upon demurrer, or by the plaintiff being nonsuited, nonprossed, or discontinuing his action, shall not be entitled to double, treble or other special costs, but shall receive such full and reasonable indemnity as to all costs, charges and expenses incurred in and about his defence thereto as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer.

11.
Costs if
Defendant
succeeds.

35 And be it Enacted, That if in any such action or suit as aforesaid the plaintiff shall obtain a verdict, he shall not be entitled to recover any larger costs from the defendant than the sum of Ten Pounds, if the Court or Judge before whom the action or suit shall be tried shall certify on the record that in its or his opinion the defendant has acted bonâ fide, and has had reasonable ground for supposing that his conduct was justifiable; but unless the said Court or Judge shall so certify, the plaintiff who obtains a verdict shall be entitled to costs in the same manner and to the same extent as a successful plaintiff now is entitled in ordinary actions.

12.
Costs if
Plaintiff
succeeds.

367.

Provided

13.
This Act not
to extend to
Suits already
commenced.

Provided always, and be it Enacted, That nothing herein contained shall extend to any action or suit commenced before the expiration of Three calendar Months next after the passing of this Act.

14.
Question of
bona fides for
Judge.

And be it Enacted, That, so far as regards any privilege or protection afforded by this Act, the question of the bona fides of the defendant shall be for the decision of the Court or Judge before whom the action or suit shall be tried. 5

15.
Interpreta-
tion clause.

And be it Enacted, That in this Act any word importing the singular number or the masculine gender shall include several persons or things as well as one person or thing, and females as well as males, unless there be something in the subject or context repugnant to such construction. 10

16.
Not to extend
to Scotland.

And be it Enacted, That this Act shall not extend to Scotland.

17.
Act may be
amended, &c.

And be it Enacted, That this Act may be altered, amended or repealed during the present Session of Parliament.

Vexatious Actions.

A

B I L L,

INTITULED,

AN ACT for protecting from Vexatious Actions
Persons discharging Public Duties.

(*Brought from the Lords, 26 April 1847.*)

Ordered, by The House of Commons, to be Printed.

10 May 1847.

367.

Under 1 oz.

7 July 1847.—11 VICT.



A

B I L L,

[AS AMENDED BY THE COMMITTEE]

INTITULED,

AN ACT for protecting from Vexatious Actions Persons discharging public Duties.

N. B.—*The Clause marked (A.) was added by the Committee.*

WH^{EREAS} it is expedient that all persons discharging legislative, judicial or ministerial public duties, whether imposed by the Common, the Ecclesiastical or the Statute Law of the Realm, should be protected from Vexatious Actions : Preamble.

5 And whereas it would greatly conduce to this salutary end if the law respecting notices of actions, limitations of actions, venue, tender of amends, payment of money into court, pleas of the general issue and costs, were, so far as regards actions or suits commenced against any of such persons, uniform :

10 And whereas by an Act passed in the Session of Parliament held in the fifth and sixth years of the reign of Her present Majesty, intituled, “ An Act to amend the Law relating to Double Costs, Notices of Actions, Limitations of Actions and Pleas of the General Issue under certain Acts of Parliament,” the objects here contemplated were partially effected ; 5 & 6 Vict.,
c. 97.
15 But it is expedient to alter some of the provisions therein contained, and to embody the remainder in a more comprehensive Act ;

BE it therefore Enacted, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

1.
Repealing
8 & 6 Vict.,
c. 97.

and by the Authority of the same, THAT the hereinbefore-mentioned Act shall be and the same is hereby repealed, except so far as the same repeals any Act or Acts of Parliament, or any parts thereof.

2.
Repeal of
21 Jac. 1,
c. 12;

42 G. 3, c. 85,
ss. 5, 6;

And of
clauses in all
Acts giving
similar pro-
tection, &c.

And be it Enacted, That an Act passed in the twenty-first year of the reign of his Majesty King JAMES the First, intituled, "An Act 5
to enlarge and make perpetual an Act made for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables and certain other of his Majesty's Officers, for the lawful Execution of their Office, made in the Seventh Year of his Majesty's most happy Reign;" and also so much of an 10
Act passed in the forty-second year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the trying and punishing in Great Britain Persons holding public Employment for Offences committed Abroad, and for extending the Provisions of an Act passed in the Twenty-first Year of the Reign of King JAMES, made for the 15
Ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe Custody," as extends the provisions of the said Act passed in the twenty-first year of the reign of King JAMES the First to any persons who may by law commit persons to safe custody within this 20
Kingdom; and also so much of any clause, provision or enactment in any Act of Parliament as affords to any person acting or intending to act under or by virtue, or in pursuance, or under the authority or in execution of any Act of Parliament, any special protection or privilege in regard to notice of action, notice of cause of action, limita- 25
tion of action, venue, tender of amends, payment of money into court, pleading the general issue, and giving special matter in evidence under it, or costs, shall be and the same are hereby respectively repealed.

3.
Proviso.

Provided always, and be it Enacted, That nothing herein contained 30
shall be construed to repeal or alter so much of the said Act passed in the forty-second year of the reign of his Majesty King GEORGE the Third, as relates to persons who may by law commit persons to safe custody out of this Kingdom, or so much of any other Act of Parliament as affords any such protection or privilege as aforesaid to 35
any person while acting or intending to act out of this Kingdom under or by virtue, or in pursuance or under the authority, or in execution of any Act or Acts, Statute or Statutes, Ordinance or Ordinances, or law or laws, or lawful authority, in any plantation, island, colony or foreign possession of Her Majesty. 40

4.
Notice of
Action.

And be it Enacted, That no action or suit shall be commenced against any Judge, Magistrate, Visitor, Commissioner, Mayor, Inspector, Sub-Inspector, Comptroller, Clerk of the Crown, Clerk of the 45
the

the Peace, Arbitrator appointed in pursuance of any Act of Parliament, Constable, Headborough, Portreeve, Police Officer, Gaoler, Turnkey, Pound-keeper, Governor or other officer employed in any county or other public or licensed Lunatic Asylum, Officer employed
 5 for the prevention of smuggling, Custom-house Officer, Excise Officer, Officer of Stamps and Taxes, Officer employed in collecting the Revenue, or the county, district, parochial or other rates, Master or Officer of any Court of Law or Equity, Speaker, Officer or servant of either House of Parliament, Coroner, Assessor, Registrar,
 10 Overseer, Churchwarden, Chapelwarden, Guardian of the Poor, Relieving Officer, or any person acting as deputy to or in aid of any such judicial or ministerial officer as aforesaid, or any other person, for any act done or omitted to be done by him whilst acting or bona fide intending to act in the discharge of any legislative, judicial or
 15 ministerial public duty, whether imposed by the Common Law, the Ecclesiastical Law, or any Act of Parliament now passed or hereafter to be passed, until the full expiration of One calendar Month next after notice in writing shall have been delivered to him, or left at his usual or last place of abode, by the person who intends to commence
 20 such action or suit, or by his attorney or agent ; and such interval of One calendar Month between the service of the notice and the commencement of the action or suit shall in all cases be sufficient.

And be it Enacted, That such notice shall contain a statement of the cause of action, and of the name and place of abode both of the
 25 person who intends to commence such action or suit, and of his attorney or agent ; and no evidence shall be admissible on behalf of the plaintiff on the trial of any such action or suit, except such as supports the cause of action so stated in such notice.

5.
Notice of
cause of
Action.

And be it Enacted, That no action or suit shall be commenced
 30 against any person for any such act or omission as aforesaid after the full expiration of Six calendar Months next after the cause of action shall have arisen, or in the case of continuing damage after the full expiration of Three calendar Months next after such damage shall have ceased ; but in all cases the Plaintiff shall be entitled to com-
 35 mence any such action or suit at any time before the expiration of such Six Months and Three Months respectively ; provided that the provisions last mentioned touching the periods of Six Months and Three Months shall not extend or apply to any actions brought or to be brought in this country in respect of any matter or thing done or
 40 happening in any place beyond the Seas out of Europe.

6.
Limitation of
Action.

And be it Enacted, That in every action or suit hereafter to be commenced against any person for any such act or omission as aforesaid, the venue shall be laid in the county, riding, division or place where
 627.

7.
Venue.

the cause of action is alleged to have accrued, and the trial shall be had in such county, riding, division or place, unless it shall be otherwise ordered by the Court in which such action is brought, or by One of the Judges of the Superior Courts at Westminster.

8.
Tender of
Amends.

And be it Enacted, That any person as aforesaid who has been served with any such notice of action as aforesaid may, at any time within One calendar Month after such notice has been received by him, tender amends to the person complaining, or his Attorney or Agent, and, in case the same is not accepted, plead such tender in bar of any action to which such notice refers, either alone or together with the general issue, or any other pleas which the Court wherein such action is pending, or any One of the Judges of the Superior Courts at Common Law, may allow ; and such plea of tender need not be signed by counsel, and shall have the same effect as the like plea now has in ordinary actions, excepting only that it shall not, neither shall the fact of tender be regarded in the light of any admission of the cause of action.

9.
Payment of
Money into
Court.

And be it Enacted, That any person as aforesaid who has neglected to tender amends, or has tendered insufficient amends within the time above specified, may, in the event of any such action as aforesaid being brought against him, pay into the Court in which such action is pending, any sum of money by way of compensation or amends, and plead such payment, either alone or together with the general issue, or any other pleas that the said Court or any One of the Judges of the Superior Courts at Common Law may allow ; and no permission of the said Court or of any Judge shall be necessary before such payment shall be made, neither shall such plea of payment of money into Court be signed by counsel, but such plea shall have the same effect as the like plea now has in ordinary actions, excepting only that it shall not, neither shall the fact of paying money into Court be regarded in the light of any admission of the cause of action.

10.
Plea of
General Issue.

And be it Enacted, That any person as aforesaid against whom any such action as aforesaid shall be commenced may plead the general issue, and under that plea set up any defence that could be specially pleaded, whether such defence be founded wholly or partly on the statute, or be merely sustainable at common law, excepting only the defences of tender of amends or of payment of money into Court as aforesaid, which must in all cases be specially pleaded : Provided always, That whenever the defendant intends to plead the general issue, and to set up any defence under it which could be specially pleaded, he must insert in the margin of such plea the words " by Statute," and must also specify or cause to be specified in

in such margins respectively, the Act or Acts of Parliament on which he intends to rely for a justification of his conduct, or in the event of his defence resting on any duty imposed upon him by the Common or Ecclesiastical Law, he must state or cause to be stated in such margins respectively, whether such duty is imposed by the Common Law or the Ecclesiastical Law, otherwise such plea shall be taken not to have been pleaded by virtue of this Act; and these matters so inserted in the margin of the plea shall be also inserted in the margin of the issue and the Nisi Prius record: Provided always, That the defendant shall describe the Act or Acts of Parliament on which he intends to rely, by stating the chapter and session of such Act or Acts in words or figures: Provided also, That such plea shall not be permitted in conjunction with any special plea, excepting only the pleas of tender of amends or of payment of money into Court as aforesaid: Provided also, That nothing herein contained shall deprive the defendant of the right, if he thinks fit to exercise it, of pleading the general issue, omitting the memorandum in the margin as aforesaid, and such other pleas as the Court or Judge will allow; but in this case the plea of the general issue shall have the same effect as, and no other than, such plea now has in ordinary actions; and the defendant shall not thereunder be entitled to object to the want or insufficiency of the notice of action, or that the action or suit has been commenced after the time limited by law; neither shall the plaintiff under such last-mentioned plea be bound to show that the cause of action on which he relies on the trial is in conformity with that stated in the notice.

And be it Enacted, That the defendant in any such action or suit as aforesaid, who succeeds, either by obtaining a verdict, or by having judgment in his favour upon demurrer, or by the plaintiff being nonsuited, nonprossed, or discontinuing his action, shall not be entitled to double, treble or other special costs, but shall receive such full and reasonable indemnity as to all costs, charges and expenses incurred in and about his defence thereto as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer.

11.
Costs if
Defendant
succeeds.

And be it Enacted, That if in any such action or suit as aforesaid the plaintiff shall obtain a verdict, he shall not be entitled to recover any larger costs from the defendant than a sum equal to the damages awarded by the jury, if the Court or Judge before whom the action or suit shall be tried shall certify on the record that in its or his opinion the defendant has acted bona fide, and has had reasonable ground for

12.
Costs if
Plaintiff suc-
ceeds.

supposing that his conduct was justifiable; but unless the said Court or Judge shall so certify, the plaintiff who obtains a verdict shall be entitled to costs in the same manner and to the same extent as a successful plaintiff now is entitled in ordinary actions.

13.
This Act not
to extend to
suits already
commenced.

Provided always, and be it Enacted, That nothing herein contained shall extend to any action or suit commenced before the expiration of Three calendar Months next after the passing of this Act.

5

14
CLAUSE (A.)
Act not to
extend to
Sheriffs and
Sheriffs'
Officer acting
in execution
of civil pro-
cess.

Provided also, and be it Enacted, That nothing herein contained shall extend to any action or suit commenced against any Sheriff, Sheriff's Officer, or person acting in aid of any Sheriff or Sheriff's Officer, for any act done or omitted to be done by such Sheriff, Sheriff's Officer, or person respectively, while acting or intending or purporting to act in the discharge of any ministerial duty devolving upon him as such Sheriff, Sheriff's Officer, or person aforesaid, in the service or execution of civil process.

10

15

15
Question of
bona fides for
Judge.

And be it Enacted, That, so far as regards any privilege or protection afforded by this Act, the question of the bona fides of the defendant shall be for the decision of the Court or Judge before whom the action or suit shall be tried.

20

16.
Interpreta-
tion clause.

And be it Enacted, That in this Act any word importing the singular number or the masculine gender shall include several persons or things, as well as one person or thing, and females as well as males, unless there be something in the subject or context repugnant to such construction.

25

17.
Not to extend
to Scotland.

And be it Enacted, That this Act shall not extend to Scotland.

18.
Act may be
amended, &c.

And be it Enacted, That this Act may be altered, amended or repealed during the present Session of Parliament.

Waterworks Clauses.

A

B I L L

For consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns with Water.

(Prepared and brought in by

Mr. Strutt, Sir George Grey, and Mr. Parker.)

*Ordered, by The House of Commons, to be Printed,
19 February 1847.*

WATERWORKS CLAUSES BILL.

[AS AMENDED BY THE COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Extent of Act ; sect. 1.

Interpretations ; 2, 3.

Form of citing the Act, or part of it ; 4, 5.

Construction of Waterworks ; 6 to 15.

Construction of Works for the accommodation of Lands adjoining the Waterworks ; 16, 17.

Breaking up of Streets for the purpose of laying Pipes ; 18 to 24.

Supply of Water ; 25 to 33.

Communication Pipes to be laid by the Undertakers ; 34 to 37.

Communication Pipes to be laid by the Inhabitants ; 38 to 43.

Provision against Waste or misuse of Water ; 44 to 50.

Provision against fouling Water ; 51 to 57.

Recovery of Water Rates ; 58 to 63.

Profit by the Undertakers when the Waterworks are carried on for their benefit ; 64 to 70.

Annual Account ; 71.

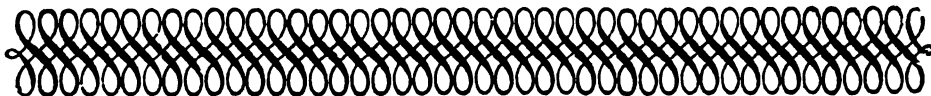
Tender of Amends ; 72.

Recovery of Damages not specially provided for, and of Penalties, and determination of any other matter referred to Justices ; 73 to 76.

Access to the Special Act ; 77, 78.

Undertakers not exempt from any General Act ; 79.

Amendment of Act ; 80.



A

B I L L

For consolidating in One Act certain Provisions usually
contained in Acts authorizing the making of Waterworks
for supplying Towns with Water.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

WH ~~HEREAS~~ it is expedient to comprise in One Act sundry Preamble.
provisions usually contained in Acts of Parliament autho-
rizing the construction of Waterworks for supplying Towns with
Water, and that as well for avoiding the necessity of repeating
5 such provisions in each of the several Acts relating to such
Undertakings, as for ensuring greater uniformity in the provisions
themselves; ~~BE it Enacted~~, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
10 assembled, and by the Authority of the same, THAT this Act shall
extend only to such Waterworks as shall be authorized by any
Act of Parliament hereafter to be passed, which shall declare that
this Act shall be incorporated therewith, and all the clauses of
this Act, save so far as they shall be expressly varied or excepted
15 by any such Act, shall apply to the Undertaking authorized
thereby, so far as the same shall be applicable to such Undertaking,
and shall, with the clauses of every other Act which shall be
incorporated therewith, form part of such Act, and be construed
therewith, as forming one Act.

1.
Extent of Act.

AND with respect to the construction of this Act and any Act
incorporated therewith, BE it Enacted as follows:

2-
Interpreta-
tions in this
Act.

86.

A

The

" Special Act." The expression "the Special Act" used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the construction of Waterworks, and with which this Act shall

" Prescribed." be incorporated ; and the word "prescribed" used in this Act in reference to any matter herein stated, shall be construed 5 to refer to such matter as the same shall be prescribed or provided for in the Special Act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had

" The Lands and Streams." been used ; and the expression "the Lands and Streams" shall mean 10 the lands and streams of water which shall by the Special Act be authorized to be taken or used for the purposes thereof ; and the expression "the Undertaking" shall mean the Waterworks and the Works connected therewith, by the Special Act authorized to be constructed ; and the expression "the Undertakers" shall mean the 15 persons by the Special Act authorized to construct the Waterworks.

3. Interpretations in this and the Special Act. The following words and expressions, in both this and the Special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in 20 the subject or context repugnant to such construction ; (that is to say)

Number. Words importing the singular number shall include the plural number ; and words importing the plural number only, shall include also the singular number : 25

Gender. Words importing the masculine gender, shall include females :

" Person." The word "Person" shall include a corporation, whether aggregate or sole :

" Lands." The word "Lands" shall include messuages, lands, tenements and corporeal hereditaments or heritages of any tenure : 30

" Streams." The word "Streams" shall include springs, brooks, rivers and other running waters :

" Street." The word "Street" shall include any square, court or alley, highway, lane, road, thoroughfare, or public passage or place within the limits of the Special Act : 35

" The Waterworks." The expression "the Waterworks" shall mean the Waterworks and the Works connected therewith, by the Special Act authorized to be constructed :

" Water-Rate." The expression "Water-rate" shall include any rent, reward or payment to be made to the Undertakers for a supply of Water :

The

The word "Month" shall mean calendar month :

"Month."

The expression "Superior Courts," where the matter submitted to the cognizance of the Court arises in England or Ireland, shall mean Her Majesty's Courts of Record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster, and the Court of Pleas of the County of Durham, and where such matter arises in Scotland it shall mean the Court of Session :

"Superior Courts."

5

10

The word "Oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath :

"Oath."

15

The word "County" shall include riding or other division of a county having a separate commission of the peace, and in Scotland stewartry, and any ward or other division of a county or stewartry having a separate Sheriff, and it shall also include county of a city or county of a town :

"County."

20

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and if such matter arise in respect of lands or streams situated not wholly in one jurisdiction, shall mean a Justice acting for the county or place where any part of such lands or streams shall be situated; and where any matter is authorized or required to be done by Two Justices, the expression "Two Justices" shall be understood to mean Two or more Justices met and acting together.

"Justice."

25

"Two Justices."

30

The word "Sheriff" shall mean the Sheriff Depute of the county or ward of a county in Scotland, and the Steward Depute of the stewartry in Scotland in which the matter submitted to the cognizance of the Sheriff arises, and shall include the Substitutes of such Sheriff Depute and Steward Depute respectively :

"Sheriff."

35

The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the Special Act, and if such expression be not there defined, it shall mean the General or Quarter Sessions of the Peace which shall be held at the place nearest to the Waterworks, or the principal office thereof, for the county in which the Waterworks, or some part thereof, is situate, or for some division of such county having a separate commission of the peace :

"Quarter Sessions."

"The Town Commissioners."

The expression "the Town Commissioners" shall mean the parties defined under that title in the Special Act, and where no such parties shall be there defined, shall mean the Commissioners, trustees or other parties having the control or management of the streets under any Act for paving or improving the town or district to be supplied with water under the Special Act: 5

"Inspector."

The word "Inspector" shall mean an officer appointed under any local Act relating to the town or district supplied with water under the Special Act, for the purpose of inspecting or superintending Works connected with the paving, drainage or supply of water of such town or district, or an officer appointed under any General Act for executing the like duties with respect to such town or district, together with other towns or districts: 10 15

Citing the Act.

AND with respect to citing this Act, or any part thereof, BE it Enacted as follows:

4.
Short Title of the Act.

In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression "The Waterworks Clauses Act, 1847." 20

5.
Form in which portions of this Act may be incorporated in other Acts.

For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act; and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates. 25 30

Construction of Waterworks.

AND with respect to the construction of the Waterworks, BE it Enacted as follows:

6.
The construction of the Waterworks to be subject to the provisions of this Act and the Lands Clauses Consolidation Act.

Where by the Special Act the Undertakers shall be empowered, for the purpose of constructing or supplying Waterworks, to take or use any lands or streams otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject to the provisions and restrictions contained in this Act, and if the Waterworks be situated in England or Ireland to the provisions and restrictions contained in the Lands Clauses Consolidation Act, 1845; and if the Waterworks be situated in Scotland the provisions and restrictions contained in the Lands Clauses Consolidation Scotland Act, 1845; and shall make to the owners and occupiers of and all other parties interested in any lands or 35 40

or streams taken or used for the purposes of the Special Act, or injuriously affected by the construction of the works thereby authorized, full compensation for the value of the lands and streams so taken or used, and for all damage sustained by such owners, occupiers and other persons by reason of the exercise, as to such lands and streams, of the powers vested in the Undertakers by this or the Special Act, or any Act incorporated therewith; and, except where otherwise provided by this or the Special Act, the amount of such compensation shall be determined in the manner provided by the said Lands Clauses Consolidation Acts respectively for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said last-mentioned Acts respectively shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

If any omission, mis-statement or wrong description shall have been made of any lands or streams, or of the owners, lessees or occupiers of any lands or streams described on the plans or books of reference deposited in compliance with the Standing Orders of either House of Parliament, or in the Schedule to the Special Act, the Undertakers, after giving Ten Days' notice to the owners, lessees and occupiers of the lands and streams affected by such proposed correction may apply in England or Ireland to Two Justices, and in Scotland to the Sheriff, for the correction thereof; and if it appear to such Justices or Sheriff that such omission, mis-statement or wrong description arose from mistake, they or he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement or wrong description; and such certificate, with the other documents to which it relates, shall be deposited in England or Ireland with the Clerk of the Peace, and in Scotland with the Sheriff Clerk of the several counties in which the lands or streams affected thereby are situated, or where any such lands or streams are situated in a royal burgh in Scotland, with the Town Clerk of such burgh, and such certificate shall be kept by such Clerks of the Peace, Sheriff Clerks or Town Clerks respectively, with the other documents to which they relate; and thereupon such plan, book of reference or schedule shall be deemed to be corrected according to such certificate; and the Undertakers may make the Works in accordance with such certificate, as if such omission, mis-statement or wrong description had not been made.

7.
Errors and
omissions in
Plans to be
corrected.

The Undertakers shall not begin to execute the Waterworks, unless they shall have previously deposited with the Clerk of the Peace in England or Ireland, and the Sheriff Clerk in Scotland of every county, and the Town Clerk of every royal burgh in Scotland in which

8.
Works not to
be proceeded
with until
Plans of all
alterations
authorized by
Parliament
have been
deposited.

the Waterworks shall be situated, a plan and section of all such alterations from the original plan and section (if any) as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the Waterworks; and shall also have deposited with the Parish Clerks of the several parishes in England, and the Clerks of the Unions of the several parishes in Ireland, and the schoolmasters of the several parishes in Scotland, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

9.
Clerks of the
Peace, &c., to
receive Plans
of alterations,
and allow in-
spection.

The said Clerks of the Peace, Sheriff Clerks and Town Clerks, Parish Clerks, Clerks of Unions and Schoolmasters, shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall keep the same as well as the said original plans and sections, and shall allow all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an Act passed in the first year of the reign of Her Majesty, intituled, "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

7 Will. 4, and
1 Vict. c. 83.

10.
Copies to be
evidence.

Copies of the said plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by any such Clerk of the Peace, Sheriff Clerk or Town Clerk, which certificate such Clerk shall give to all parties interested when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

11.
Not to deviate
beyond limits
defined upon
Plans.

The Undertakers in constructing the Waterworks shall not deviate to any greater extent than the line of lateral deviation described in the said plans with respect to such Works, nor take nor use for the purpose of such deviation the lands of any person not mentioned in the books of reference, without his previous consent in writing, unless the name of such person shall have been omitted by mistake, and the fact that such omission happened from mistake shall have been certified in manner hereinbefore provided.

12.
Works to be
executed.

Subject to the provisions and restrictions in this and the Special Act, and any Act incorporated therewith, the Undertakers may execute any of the following Works for constructing the Waterworks; (that is to say),

They

*Construction
of Water-
works.*

Enter on
Lands.

5 They may enter upon any lands and other places described on the said Plans and in the said Books of Reference, and take levels of the same, and set out such parts thereof as they shall think necessary, and dig and break up the soil of such lands, and trench and sough the same, and remove or use all earth, stone, mines, minerals, trees, or other things dug or gotten out of the same :

10 They may from time to time sink such wells or shafts, and make, maintain, alter or discontinue such reservoirs, water-works, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands and streams authorized to be taken by them as they shall think proper, for supplying the inhabitants of the town or district within the prescribed limits with water :

Construct
Waterworks,
&c.

15 They may from time to time divert or alter the course of, and take and impound the water from the streams mentioned for that purpose in the Special Act, and also take such as may be found in and under or on the lands to be taken for constructing the Works.

Take water
from streams.

20 Provided always, That in the exercise of the said powers the Undertakers shall do as little damage as can be, and in all cases where it can be done, shall provide other watering-places, drains and channels for irrigation for the use of adjoining lands in place of any such as shall be taken away or interrupted by them, and shall make
25 full compensation to all parties interested, for all damage sustained by them through the exercise of such powers.

Compensation
for damages.

30 Every person who shall wilfully obstruct any person acting under the authority of the Undertakers in setting out the line of the Works, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such Works, or deface or destroy any works made for the same purpose, shall be liable to a penalty not exceeding *Five Pounds* for every such offence.

13.
Penalty for
obstructing
construction
of Works.

35 After the streams or supplies of water hereby or by the Special Act authorized to be taken by the Undertakers, shall have been so taken, every person who shall illegally divert or take the waters supplying or flowing into the streams so taken, or any part thereof, or who shall do any act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him, on being required
40 so to do by the Undertakers, so as to restore the said waters to the state in which they were before such act, shall forfeit to the Undertakers any sum which shall be awarded in England or Ireland by Two

14.
Penalty for
diverting
Water.

*Construction
of Water-
works.*
—

Justices, and in Scotland by the Sheriff, not exceeding Five Pounds for every day during which the said supply of water shall be diverted or diminished by reason of any act done by or by the authority of such person, and any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged liable to pay to the Undertakers 5
for any damage which they may sustain by reason of their supply of water being diminished, and the payment of the sum so forfeited shall not bar or affect the right of the Undertakers to bring or raise an action at law against such person for the damage so committed.

15.
*Reservation
of existing
rights.*

Provided always, That nothing herein contained shall prevent the 10
owners and occupiers for the time being of lands through or by which such streams shall flow, from using the waters thereof for agricultural and domestic purposes, in such manner and to such extent as they might have done before the passing of the Special Act, unless they shall have received compensation in respect of their right of so 15
using such water.

*Accommoda-
tion Works.*
—

AND with respect to the construction of Works for the accom-
modation of lands adjoining the Waterworks; BE it Enacted as
follows :

16.
*Differences as
to accommo-
dation Works
to be settled
by Justices.*

Where by the Special Act the Undertakers shall be required to erect 20
any works for making good the interruption caused to any lands adjoining or near the Waterworks, or otherwise, for the accommoda-
tion of such lands, then if any difference shall arise respecting the
construction of any such accommodation works, or the kind or size
or sufficiency thereof, or respecting the maintenance thereof, the same 25
shall be determined in England or Ireland by Two Justices, and in
Scotland by the Sheriff, and such Justices or Sheriff shall also appoint
the time within which such accommodation works shall be begun
and finished by the Undertakers.

17.
*Execution of
Works by
Owners on
default by
the Under-
takers.*

If the Undertakers shall for Fourteen Days next after the time 30
appointed by such Justices or Sheriff for the beginning of any such
accommodation works fail to begin such works, or, having begun
such works, fail diligently to execute the same in a sufficient manner,
the person aggrieved by such failure may execute such works or
repairs; and the reasonable expenses thereof shall, on demand, be 35
repaid by the Undertakers to the person by whom the same shall so
have been executed; and if there be any dispute about the amount
or nature of such expenses, the same shall be settled in England or
Ireland by Two Justices, and in Scotland by the Sheriff.

AND

AND with respect to the breaking up of Streets for the purpose of laying pipes ; BE it Enacted as follows :

5 The Undertakers, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the Special Act, and may open and break up any sewers, drains or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes and other works and engines, and from time to time repair, alter or remove the same, and
10 for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits, doing as little damage as can be in the execution
15 of the powers hereby or by the Special Act granted, and making compensation for any damage which may be done in the execution of such powers.

18.
Power to
break up
Streets, &c.,
and to open
Drains

Provided always, That nothing herein contained shall authorize or empower the Undertakers to lay down or place any pipe,
20 conduit, service-pipe or other work in any land not dedicated to public use without the consent of the owners and occupiers thereof; except that the Undertakers at any time may enter upon and lay or place any new pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the
25 Special Act, and may repair or alter any pipe so laid down.

19.
Not to enter
on private
Land without
consent.

Before the Undertakers open or break up any street, bridge, sewer, drain or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, surveyor or other officer notice in writing of their intention to open
30 or break up the same, not less than Three clear Days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

20.
Notice to be
served before
breaking up
Streets or
opening
Drains.

35 No such street, bridge, sewer, drain or tunnel, shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any
40 difference respecting such plan, then according to such plan as shall be determined by Two Justices: Provided always, That if the persons having such control or management as aforesaid fail to attend at the time fixed for the opening of any such street,

21.
Streets or
Drains to be
broken up
under super-
intendence.

**Laying of
Pipes.**

bridge, sewer, drain or tunnel, after having had such notice of the intention of the Undertakers as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Undertakers may perform the work specified in such notice without the superintendence of such 5 persons.

22.
Streets, &c.,
broken up to
be reinstated
without
delay.

When the Undertakers open or break up the road or pavement of any street or bridge, or any sewer, drain or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and 10 make good the road or pavement, or the sewer, drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set 15 up and kept thereagainst, every night during which such road or pavement shall be continued open or broken up, and shall, after replacing and making good the road or pavement which shall have been so broken up, keep the same in good repair for *Six Months* thereafter. 20

23.
Penalty for
delay in re-in-
stating
Streets, &c.

If the Undertakers open or break up any street or bridge, or any sewer, drain or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the Undertakers are authorized to perform such works without any superintendence 25 or notice, or if the Undertakers make any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or 30 pavement has been broken up, to be fenced, guarded and lighted, or neglect to keep the road or pavement in repair for the space of *Six Months* next after the same is made good, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain or tunnel, in respect of which such default is made, a 35 sum not exceeding *Five Pounds* for every such offence, and an additional sum of *Five Pounds* for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

24.
In case of
delay, other
parties may
reinstate and
recover the
expenses.

If any such delay or omission as aforesaid shall take place, 40 the persons having the control or management of the street, bridge, sewer, drain or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall

shall be repaid to such persons by the Undertakers, and such expenses may be recovered in the same way as damages are recoverable under this and the Special Act.

5 AND with respect to the supply of Water to be furnished by the Undertakers; BE it Enacted as follows:

Supply of Water.

10 The Undertakers shall provide and keep in the pipes to be laid down by them a supply of pure and wholesome water, sufficient for the domestic use of all the inhabitants of the town or district within the limits of the Special Act, who, as hereinafter provided, shall be entitled to demand a supply and shall be willing to pay water-rate for the same, and such supply shall be constantly laid on at such a pressure as will make the water reach the top story of the highest houses within the said limits, unless it be provided by the Special Act that the water to be supplied by the Undertakers
15 need not be constantly laid on under pressure; and the Undertakers shall cause pipes to be laid down and water to be brought to every part of the town or district within the limits of the Special Act whereunto they shall be required by so many owners or occupiers of houses in that part of the town or district, as that the aggregate
20 amount of water-rate payable by them annually at the rates specified in the Special Act shall be not less than One-tenth part of the expense of providing and laying down such pipes: Provided, That no such requisition shall be binding on the Undertakers, unless such owners or occupiers shall severally execute an agreement
25 binding themselves to take such supply of water for Three successive years at least.

25.
Constant supply of Water for domestic purposes of high pressure.

If for Twenty-eight Days after demand in writing made to the Undertakers, and tender made of an agreement signed by such number of owners or occupiers as aforesaid, to take and pay for a supply
30 of water for Three Years or more, the Undertakers shall refuse or neglect to lay down pipes in the manner hereinbefore directed, and to provide such supply of water as aforesaid, they shall forfeit to each of such owners and occupiers the amount of rate which he would be liable to pay under such agreement, and also the further
35 sum of Forty Shillings for every day during which they shall refuse or neglect to lay down such pipes, or to provide such supply of water: Provided always, That the Undertakers shall not be liable to any penalty for not supplying water, if the want of such supply shall arise from frost, unusual drought or other unavoidable accident.

26.
Penalty for neglect to lay Pipes for supply of Water for domestic use.

40 In all the pipes to which any fire-plug shall be fixed, the Undertakers shall provide and keep constantly laid on, unless prevented by frost, unusual drought, or other unavoidable accident, or during necessary repairs, a sufficient supply of water for the following purposes; (that is to say) for cleansing the sewers and drains, for cleansing and

27.
Supply of Water for Sewers, Drains, and other public purposes.

watering the streets, and for supplying any public pumps, baths or washhouses that may be established for the free use of the inhabitants, or paid for out of any poor-rates or borough-rates levied within the limits of the Special Act, and such supply shall be provided at such rates, in such quantities, and upon such terms and conditions as may be agreed upon by the Town Commissioners, and the Undertakers, or, in case of disagreement, as shall be settled in England or Ireland by Two Justices, and in Scotland by the Sheriff, until in either case an Inspector shall have been appointed, and after the appointment of such Inspector, by the Inspector so appointed.

Fire Plugs.

28.
Undertakers
to affix public
Fire-plugs.

The Undertakers, at the request of the Town Commissioners, shall fix proper fire-plugs in the main and other pipes belonging to them, at such convenient distances, not being more than the prescribed distance, or if no distance be prescribed, not more than One hundred Yards from each other, and at such places as may be most proper and convenient for the supply of Water for extinguishing any fire which may break out within the limits of the Special Act; and in case of any difference of opinion as to the proper position or number of such fire-plugs, it shall be settled by such Inspector as aforesaid, when appointed, and in the meantime by Two Justices in England or Ireland, and by the Sheriff in Scotland.

29.
Undertakers
to repair Fire-
plugs and to
deposit keys.

The Undertakers shall from time to time renew and keep in effective order every such fire-plug; and as soon as any such fire-plug is completed, they shall deposit a key thereof at each place within the limits of the Special Act where any public fire-engine is kept, and in such other places as may be appointed by the Town Commissioners; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation, which notice the Undertakers may put up on any house or building in such street.

30.
Expense, how
to be borne.

The cost of such fire-plugs, and the expense of fixing, placing and maintaining the same in repair, and of providing such keys as aforesaid, shall be defrayed by the Town Commissioners.

31.
Fire-plugs for
Manufactories.

The Undertakers shall, at the request and expense of the owner or occupier of any work or manufactory situated in any street in which there shall be a pipe of the Undertakers, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) as near as conveniently may be to such work or manufactory.

32.
Pipes to be
kept charged,
and water
taken to
extinguish
Fires.

The Undertakers shall at all times keep charged with water, under such pressure as aforesaid, all their pipes to which fire-plugs shall be fixed, unless prevented by frost, unusual drought, or other unavoidable accident, or during necessary repairs; and shall allow all persons at all times to take and use such water for extinguishing fire, without making compensation for the same.

If

If, except when prevented as aforesaid, the Undertakers neglect or refuse to fix, maintain or repair such fire-plugs, or to furnish to the Town Commissioners a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been
 5 agreed on or settled as aforesaid, or if, except as aforesaid, they neglect to keep their pipes charged under such pressure as aforesaid, or neglect or refuse to furnish to any owner or occupier entitled under this or the Special Act to receive a supply of water during
 10 any part of the time for which the rates for such supply have been paid or tendered, they shall be liable to a penalty of Ten Pounds, and shall also forfeit to the Town Commissioners, and to every person having paid or tendered the rate, the sum of Forty Shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the
 15 Undertakers of the want of supply.

33.
 Penalty for refusal, or occasional failure of supply.

AND with respect to the Communication Pipes to be laid by the Undertakers; BE it Enacted as follows :

Pipes to be laid by the Undertakers.

The Undertakers shall, upon the request of the owner of any dwelling-house in any street in which pipes shall have been laid
 20 down by them, the annual value of which house shall not exceed Ten Pounds, or upon request of the occupier, with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner, and upon payment or tender of the proportion of water-rate in respect of such house by this or the Special
 25 Act made payable in advance, lay down communication-pipes and other necessary works for the supply of such house with water, for domestic or other purposes, and shall keep the same in repair; and thereupon the occupier of such house shall be entitled to have a sufficient supply of water for his domestic purposes from
 30 the Undertakers; and the Undertakers may charge for such pipes and works in addition to the water-rate, such reasonable annual rent as shall be agreed upon, or, in case of dispute, as shall be settled by such Inspector as aforesaid when appointed, and in the meantime as shall in England or Ireland be settled by Two Justices,
 35 and in Scotland by the Sheriff; and such rent shall be chargeable on, and recoverable from the occupier, or, in his default, from the owner of such house, at the same times and in the same manner as water-rates; and such pipes and other works shall not be
 40 subject to distress or to the landlord's hypothec for rent, nor to be taken in execution under any process of a court of law or equity, or under any fiat or sequestration in bankruptcy, against such occupier or against such owner, unless he shall have become the proprietor of the said pipes and works under the provisions hereinafter contained.

34.
 Undertakers to lay down Communication-pipes on request of Occupier, and with consent of Owners in houses of limited value.

35.
Penalty for
refusal to lay
Communication-pipes.

If, upon such request and consent, and upon tender or payment of such proportion of rate as aforesaid, the Undertakers for *Seven Days* neglect or refuse to lay down such communication-pipes or other works, they shall be liable to forfeit to the person so making such request the sum of *Five Pounds*, and a further sum of *Forty Shillings* for every day during which such refusal or neglect shall continue after *Seven Days* from the making of such request and tender as aforesaid. 3

36.
Undertakers
to be at liberty
to remove the
Pipes and
recover ex-
penses.

If the occupier for the time being of the house in which any such communication-pipes or other works and engines shall have been laid down by the Undertakers, refuse to pay for a supply of water, or if such house be unoccupied for *Twelve Months*, the Undertakers may demand from the owner thereof payment of the amount of the principal money invested by them in providing and laying down such communication-pipes and other works and engines ; and if such owner, after *Ten Days'* notice given to him by the Undertakers neglect or refuse to pay such principal money, the Undertakers may enter the house and remove such pipes and other works ; and the balance of such principal money, after deducting the value of such pipes and other works, with all arrear of rent for such pipes and works, shall, in default of payment, be recovered, with the costs incurred, from the owner or from the occupier for the time being, in the same manner as water-rates are directed by this or the Special Act to be recovered : Provided always, That no greater sum shall be recovered from any such occupier than the amount of rent for the time being owing by him, unless he refuse to discover the amount of rent owing by him ; and that every such occupier shall be entitled to deduct from the amount of rent payable by him the sum so recovered from him, or which he shall have paid on demand. 10 15 20 25 30

37.
Owner to be
at liberty to
purchase the
Pipes.

The owner or reputed owner of any house, where any such communication-pipes or other works shall have been laid down by the Undertakers may at any time pay off the amount then due to the Undertakers in respect of the costs of providing and laying down such pipes and works, and all rent at that time due in respect thereof ; and thereupon such pipes and works shall become the property of such owner, and all further rent in respect thereof shall cease to accrue to the Undertakers. 35

*Pipes to be
laid by the
Inhabitants.*

AND with respect to the communication-pipes to be laid by the inhabitants ; BE it Enacted as follows :

Any

Any owner or occupier of any dwelling-house or part of a dwelling-house within the limits of the Special Act who shall wish to have water from the Waterworks of the Undertakers brought into his premises, and who shall have paid or tendered to the Undertakers the portion of water-rate in respect of such premises by this or the Special Act directed to be paid in advance, may open the ground between the pipes of the Undertakers and his premises, having first obtained the consent of the owners and occupiers of such ground, and lay any leaden or other pipes from such premises, to communicate with the pipes of the Undertakers, such pipes to be of a strength and material to be approved of by the Undertakers, or in case of dispute to be settled in England or Ireland by Two Justices, and in Scotland by the Sheriff, or, in either case, by the Inspector to be appointed as aforesaid: Provided always, That every such owner or occupier shall, before he begins to lay any such pipe, give to the Undertakers *Fourteen Days'* notice of his intention to do so.

38.
Power to Inhabitants to lay Service-Pipes.

Before any pipe is made to communicate with the pipes of the Undertakers, the person intending to lay such pipe shall give *Two Days'* notice to the Undertakers of the day and hour when such pipe is intended to be made to communicate with the pipes of the Undertakers; and every such pipe shall be so made to communicate under the superintendence and according to the directions of the surveyor or other officer appointed for that purpose by the Undertakers, unless such surveyor or officer fail to attend at the time mentioned in the said notice; and in case of any dispute as to the manner in which such pipe shall be so made to communicate, it shall in England or Ireland be settled by Two Justices, and in Scotland by the Sheriff, or, in either case, by the Inspector to be appointed as aforesaid.

39.
Communication to be made under superintendence of Surveyor.

The bore of any such pipe as last aforesaid shall not exceed the prescribed limits, and where no limit shall be prescribed, it shall not exceed *Half an inch*, except with the consent of the Undertakers.

40.
Bore of Service-Pipes.

Any person who shall have laid down any pipe or other works, or who shall have become the proprietor thereof, may remove the same, after having first given *Six Days'* notice in writing to the Undertakers of his intention so to do, and of the time of such proposed removal, and every such person shall make compensation to the Undertakers for any injury or damage to their pipes or works which may be caused by such removal; and every person who shall remove any such pipe, or other works, without giving such notice as aforesaid, shall forfeit to the Undertakers a sum not exceeding *Five Pounds*, over and above the

41.
Removal of Service-Pipes.

damage which he may be found liable to pay in any action at law, at the suit of the Undertakers, for the damage done to their pipes or works.

42.
Power to in-
habitants to
break up
Pavements.

Any such inhabitant may open or break up so much of the pavement of any street as shall be between the pipe of the Undertakers and his house, building or premises, and any sewer or drain therein, for any such purpose as aforesaid, doing as little damage as may be, and making compensation for any damage done in the execution of any such work: Provided always, That every such inhabitant desiring to break up the pavement of any street, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to the same control, restriction and obligations in and during the time of breaking up the same, and also reinstating the same, and to the same penalties for any delay in regard thereto, as the Undertakers are subject to by virtue of this or the Special Act.

43.
Owners or
occupiers
entitled to
demand a
supply of
water for
domestic
purposes.

Every owner and occupier of any dwelling-house, or part of a dwelling-house, within the limits of the Special Act shall, when he has laid such communication pipes as aforesaid, and paid or tendered the water-rate payable in respect thereof, according to the provisions of this and the Special Act, be entitled to demand and receive from the Undertakers a sufficient supply of water for his domestic purposes.

*Protection of
Water.*

AND with respect to Waste or misuse of the Water supplied by the Undertakers ; BE it Enacted as follows :

44.
Persons using
the Water to
provide Cis-
terns and
Cocks.

If by the Special Act it be provided that the water to be supplied by the Undertakers need not be constantly laid on under pressure, every person supplied with water shall, when required by the Undertakers, provide a proper cistern to hold the water with which he shall be so supplied with a ball and stop-cock in the pipe bringing the water from the Works of the Undertakers to such cistern, and shall keep such cistern, ball and stop-cock in good repair, so as effectually to prevent the water from running to waste ; and in case any such person shall, when required by the Undertakers, neglect to provide such cistern, ball or stop-cock, or to keep the same in good repair, the Undertakers may cut off the pipe or turn off the water from the premises of such person until such cistern and ball and stop-cock shall be provided or repaired as the case may require.

Every

Every person supplied with water by the Undertakers who shall suffer any such cistern, pipe, ball or stop-cock, to be out of repair, so that the water supplied to him by the Undertakers shall be wasted, shall forfeit to the Undertakers for every such offence a sum not exceeding *Five Pounds*.

45.

Penalty for suffering Cistern, &c., to be out of repair.

The Undertakers may repair any such cistern, pipe, ball or stop-cock, so as to prevent any such waste of water, and the expenses of such repair shall be repaid to them by the person so allowing the same to be out of repair, and may be received as damages.

46.

Undertakers may repair and recover the Expenses.

The surveyor, or any other person acting under the authority of the Undertakers, may between the hours of *Nine* of the clock in the forenoon, and *Four* of the clock in the afternoon, enter into any house or premises supplied with water by virtue of this or the Special Act, in order to examine if there be any waste or misuse of such water; and if such surveyor or other person at any such time be refused admittance into such dwelling-house or premises, for the purpose aforesaid, or be prevented from making such examination as aforesaid, the Undertakers may turn off the water supplied by them from such house, building or other premises.

47.

Power to Undertakers' Surveyor to enter houses to inspect.

Every owner or occupier of any tenement supplied with water under this or the Special Act who shall supply to any other person, or wilfully permit him to take any such water from any cistern or pipe in such tenement, unless for the purpose of extinguishing any fire, or unless he be a person supplied with water by the Undertakers, and the pipes belonging to him be, without his default, out of repair, shall forfeit to the Undertakers for every such offence a sum not exceeding *Five Pounds*.

48.

Penalty for allowing persons to use the Undertakers' Water.

Every person who, not having agreed to be supplied with water by the Undertakers, shall take any water from any reservoir, watercourse or conduit belonging to the Undertakers, or any pipe leading to any such reservoir, watercourse or conduit, or from any cistern or other like place containing water belonging to the Undertakers, shall forfeit to the Undertakers for every such offence a sum not exceeding *Ten Pounds*.

49.

Penalty for taking the Undertakers' Water without agreement.

Every person who shall wilfully or carelessly break, injure or open any lock, cock, valve, pipe, work or engine belonging to the Undertakers, or shall flush or draw off the water from the reservoirs or other works of the Undertakers, or shall do any other wilful act whereby such water shall be wasted, shall forfeit to the Undertakers for every such offence a sum not exceeding *Five Pounds*.

50.

Penalty for destroying Valves, &c.

**Fouling the
Water.**

AND with respect to the provision for guarding against fouling the water of the Undertakers; BE it Enacted as follows:

51.
Penalties for
fouling the
Water of the
Undertakers.

Every person who shall commit any of the offences next hereinafter enumerated, shall, for every such offence, forfeit to the Undertakers a sum not exceeding *Five Pounds*; (that is to say)

5

Every person who shall bathe in any stream, reservoir, aqueduct, or other waterworks belonging to the Undertakers, or wash, throw or cause to enter therein any dog or other animal:

Every person who shall throw any rubbish, dirt, filth, or other noisome thing, into any such stream, reservoir, aqueduct or other waterworks as aforesaid, or wash or cleanse therein any cloth, wool, leather or skin of any animal, or any clothes or other thing:

10

Every person who shall cause or permit the water of any sink, sewer or drain, or other filthy water belonging to him or under his control, to run or be brought into any stream, reservoir, aqueduct or other waterworks belonging to the Undertakers, or shall do any other act whereby the water of the Undertakers shall be fouled:

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And every such person shall forfeit a further sum of *Twenty Shillings* for each day (if more than one) that such last-mentioned offence shall be continued.

52.
Penalty for
permitting
substances
produced in
making Gas
to flow into
the Undertakers' Works.

Every person making or supplying gas within the limits of the Special Act who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct or waterworks belonging to the Undertakers, or into any drain communicating therewith, any washing or other substance which shall be produced in making or supplying gas, or who shall wilfully do any act connected with the making or supplying of gas, whereby the water in any such stream, reservoir, aqueduct or waterworks shall be fouled, shall forfeit to the Undertakers for every such offence the sum of *Two hundred Pounds*; and such penalty shall be recovered, with full costs of suit, in any of the superior courts by action of debt or on the case; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within *Six Months* after it has ceased.

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Penalty to be
sued for
within Six
Months.

53.
Daily penalty
during the
continuance
of the offence.

In addition to the said penalty of *Two hundred Pounds*, and whether such penalty have been recovered or not, the person making or supplying gas as aforesaid shall forfeit to the Undertakers the sum of *Twenty Pounds*, to be recovered in like manner for each day

day

day during which such washing or substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water is fouled after the expiration in either case of Twenty-four Hours from the time when notice of the offence has been
5 served on such person by the Undertakers.

Whenever the water supplied by the Undertakers shall be fouled by the gas of any person making or supplying gas within the limits of the Special Act, such person shall forfeit to the Undertakers for every such offence a sum not exceeding Twenty Pounds,
10 and a further sum not exceeding Ten Pounds for each day during which the offence shall continue, after the expiration of Twenty-four Hours from the service of notice of such offence.

54.
Penalty on
Gas-makers
if Water
fouled.

For the purpose of ascertaining whether the water of the Undertakers be fouled by the gas of any person making or supplying gas
15 within the limits of the Special Act, the Undertakers may dig up the ground and examine the pipes, conduits and works of the persons making or supplying gas: Provided, That before proceeding so to dig and examine, the Undertakers shall give Twenty-four Hours' notice in writing to the person so making or supplying gas of
20 the time at which such digging and examination is intended to take place; and they shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and they shall be subject to the like obligation of reinstating the road and pavement, and to the same
25 penalties for delay, or any non-feasance or mis-feasance therein as hereinbefore provided with respect to roads and pavements broken up by them for laying their pipes.

55.
Power to ex-
amine Gas-
pipes to ascer-
tain cause of
fouling.

If upon such examination it appear that such water has been fouled by any gas belonging to such person, the expenses of
30 the digging, examination and repair of the street or place disturbed in any such examination shall be paid by the person making or supplying gas; but if upon such examination it appear that the water has not been fouled by the gas of such person, then the Undertakers shall pay all the expenses of the examination and repair, and
35 also make good to the said person any injury which may be occasioned to his works by such examination.

56.
The expenses
to abide the
result of the
examination.

The amount of the expenses of every such examination and repair, and any injury done to the Undertakers, shall, in case of any dispute about the same, together with the costs of ascertaining and
40 recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made, are directed to be ascertained and recovered.

57.
How expense
to be ascer-
tained.

Water-rates.

AND with respect to the payment and recovery of the Water-rates; BE it Enacted as follows :—

58.

Rates to be according to annual value of premises.

The Water-rates, except as hereinafter and in the Special Act mentioned, shall be paid by and be recoverable from the person requiring, receiving or using the supply of water, and shall be payable according to the annual rack-rent or value of the tenement supplied with water.

5

59.

Where several houses supplied by one Pipe, each to pay.

When several houses, or parts of houses, in the separate occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses, or parts of houses, shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses, or parts of houses, had been supplied with water from the Works of the Undertakers by a separate pipe.

10

60.

Rates to be paid quarterly.

The rates shall be paid in advance, by equal quarterly payments, in England or Ireland, at Christmas-day, Lady-day, Midsummer-day and Michaelmas-day, and in Scotland at Martinmas, Candlemas, Whitsuntide and Lammas, and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Undertakers, or at the time when the agreement to take water from the Undertakers is made.

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61.

Parties removing to pay the next quarter day.

The occupier of any dwelling-house or part of a dwelling-house liable to the payment of any water-rate, who shall give notice of his intention to discontinue the use of the water supplied by the Undertakers, or who shall remove from his dwelling between any two quarterly days of payment, shall pay the Water-rate in respect of such dwelling-house or part of a dwelling-house for the quarter ending on the quarterly day of payment next after his quitting the same or giving such notice.

25

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62.

Owners of houses not exceeding 10% rent, to be liable to Water-rates.

The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements, the annual value of which houses or tenements shall not exceed the sum of *Ten Pounds*, shall be liable to the payment of the rates instead of the occupiers thereof; and the powers and provisions herein or in the Special Act contained for the recovery of rates from occupiers shall be construed to apply to the owners of such houses and tenements; and the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof on his own account, or as agent or receiver for any person interested therein, shall be deemed the owner of such house or tenement.

35

If

If any person supplied with water by the Undertakers or liable as herein or in the Special Act provided to pay the water-rate, neglect to pay such water-rate at any of the said times of payment thereof, the Undertakers may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the Undertakers shall think fit, and may recover the rate due from such person, if less than Twenty Pounds, with the expenses of cutting off the water and costs of recovering the rate, in the same manner as any damages for the recovery of which no special provision is made are recoverable by this or the Special Act; or if the rate so due amount to Twenty Pounds or upwards, the Undertakers may recover the same, with the expenses of cutting off the water, by action in any Court of competent jurisdiction.

63.
Rates how to
be recovered.

AND with respect to the amount of profit to be received by the Undertakers when the Waterworks are carried on for their benefit; BE it Enacted as follows:

*Profits of the
Undertakers.*

The profits of the undertaking to be divided among the Undertakers in any year shall not exceed the prescribed rate, or where no rate is prescribed, they shall not exceed the rate of Ten Pounds in the hundred by the year on the paid-up capital in the Undertaking which in such case shall be deemed the prescribed rate, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

64.
Profits to be
limited.

If the clear profits of the Undertaking in any year amount to a larger sum than is sufficient, after making up the deficiency in the dividends of any previous year as aforesaid, to make a dividend at the prescribed rate, the excess beyond the sum necessary for such purpose shall from time to time be invested in Government or other securities; and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest, until the fund so formed amounts to the prescribed sum, or if no sum be prescribed, to a sum equal to One-tenth part of the nominal capital of the Undertakers, which sum shall form a reserved fund, to answer any deficiency which may at any time happen in the amount of divisible profits, or to meet any extraordinary claim or demand which may at any time arise against the Undertakers; and if such fund be at any time reduced, it may thereafter be again restored to the said sum, and so from time to time as often as such reduction shall happen.

65.
Reserved
Fund to be
formed out of
surplus profits.

66.
Reserved
fund, how to
be resorted to.

Provided always, That no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim, unless it be first certified, in England or Ireland by Two Justices, and in Scotland by the Sheriff, that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim within the meaning of this or the Special Act. 5

67.
Appropriation of Interest after Fund accumulated.

When such fund shall, by accumulation or otherwise, amount to the prescribed sum, or One-tenth part of the nominal capital, as the case may be, the interest and dividends thereon shall no longer be invested, but shall be applied to any of the general purposes of the Undertaking to which the profits thereof are applicable. 10

68.
Reserved Fund to supply deficiency of profits

If in any year the profits of the Undertaking divisible amongst the Undertakers shall not amount to the prescribed rate, such a sum may be taken from the reserved fund as, with the actual divisible profits of such year, will enable the Undertakers to make a dividend of the amount aforesaid, and so from time to time as often as the occasion shall require. 15

69.
Rates to be reduced if profits more than the amount limited.

In England or Ireland, the Court of Quarter Sessions, and in Scotland the Sheriff of such County, may, on the petition of any owner or occupier of a dwelling-house within the limits of the Special Act, appoint some accountant or other competent person, not being a proprietor of any Waterworks, to examine and ascertain at the expense of the Undertakers, the actual state and condition of the concerns of the Undertakers, and make report thereof to the said Court or Sheriff (the amount of such expense to be determined by the said Court or Sheriff), and the said Court or Sheriff may examine any witnesses upon oath touching the truth of the said accounts and the matters therein referred to ; and if it thereupon appear to the said Court or Sheriff that the profits of the Undertakers for the preceding year have exceeded the prescribed rate, the Undertakers shall, in case the whole of the said reserved fund has been and then remains invested as aforesaid, and in case dividends to the amount hereinbefore limited have been paid, make such a rateable reduction in the rates for water to be furnished by them for the then current year as in the judgment of the said Court or Sheriff shall be proper, but so as such rates, when reduced, shall ensure to the Undertakers, regard being had to the amount of profit before received, a profit as near as may be to the prescribed rate or other rate aforesaid. 20 25 30 35

If

70.
Penalty for
omitting to
supply ac-
count of
Receipt and
Expenditure.

If the Undertakers shall, for Seven Days after being required to produce to the said Court or Sheriff, or to the said Accountant or other person as aforesaid, any books of account or other books, bills, receipts, vouchers or papers relating to their pecuniary affairs, 5 refuse or neglect to produce such books, bills, receipts, vouchers or papers, they shall forfeit the sum of One hundred Pounds for every such refusal or wilful neglect, and the further sum of Ten Pounds for every day during which such refusal or wilful neglect shall continue after the expiration of the said Seven Days; such respective 10 penalties to be recovered by any person who will sue for the same, with full costs of suit by action of debt or on the case, in any of the superior courts.

71.
Annual Ac-
count to be
made up and
sent to Clerk
of the Peace.

AND with respect to the yearly receipt and expenditure of the Undertakers; BE it Enacted, That the Undertakers shall, in 15 each year after they have begun to supply water under this or the Special Act, cause an Account in abstract to be prepared of the whole receipt and expenditure of all rates or other monies, levied under the powers of this or the Special Act for the year preceding, under the several distinct heads of receipt and expen- 20 diture, with a statement of the balance of such account, duly audited and certified by the chairman of the Undertakers, and also by the auditors thereof; and a copy of such annual account shall be sent free of charge to the Clerk of the Peace for the county in which the Waterworks are situated, if the Waterworks are situated in 25 England or Ireland, and if the Waterworks are situated in Scotland, to the Sheriff Clerk of such county, on or before the Thirty-first day of January in each year, under a penalty of Twenty Pounds for each default; and the copy of such account so sent to the said Clerk shall be kept by him, and shall be open to inspection 30 by all persons, at all seasonable hours, on payment of One Shilling for each inspection.

72.
Tender of
Amends.

AND with respect to tender of amends; BE it Enacted, That if any person shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this or the Special 35 Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such person make tender of sufficient amends to the person injured, such last-mentioned person shall not recover in any such action; and if no such tender have been made, the 40 defendant may, by leave of the Court where such action is pending, at any time before issue joined, pay into Court such sum of money as he thinks fit; and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

*Recovery of
Damages and
Penalties.*

AND with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or to the Sheriff; BE it Enacted, as follows :

73.
Railways
Clauses Acts
incorporated
as to damages,
&c.

Scotland.

If the Waterworks be in England or Ireland, the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the Special Act; and if the Waterworks be in Scotland, the clauses of the Railways Clauses Consolidation Act (Scotland) 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the Sheriff or to Justices, shall be incorporated with this and the Special Act, and such clauses shall apply to the Waterworks and to the Undertakers respectively, and shall be construed as if the word "Undertakers" had been inserted therein instead of the word "Company."

74.
One stipen-
diary Magis-
trate to act for
Two Justices.

All things herein or in the Special Act or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done in England and Ireland by any One Magistrate having by law authority to act alone for any purpose with the powers of Two or more Justices, and in Scotland by the Sheriff or Steward of any county, stewardry or ward, or his substitute.

75.
Receiver of
Metropolitan
Police Dis-
trict to receive
Penalties in-
curred within
his District.

2 & 3 Vict.,
c. 71.

Every penalty or forfeiture imposed by this or the Special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid and applied by an Act passed in the third year of the reign of Her present Majesty, intituled, "An Act for regulating the Police Courts in the Metropolis;" and every order or conviction of any of the Police Magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms, as is provided in respect of any order or conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined; and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled

entitled to in case the order, conviction and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

5 Every person who, upon any examination upon oath, under the provisions of this or the Special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

76.
Persons giving false Evidence liable to Penalties of Perjury.

AND with respect to Access to the Special Act; BE it Enacted as follows :

Access to Special Act.

10 The Undertakers shall at all times, after the expiration of Six Months after the passing of the Special Act, keep in their principal office of business a copy of the Special Act, printed by the Printers to Her Majesty, or some of them; and shall also within the space of such Six Months deposit in the office of the Clerk of the Peace in England or Ireland, and of the Sheriff Clerk in Scotland, of
15 the county in which the Undertaking is situated, a copy of such Special Act, so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk shall receive and they and the Undertakers respectively shall keep the said copies of the Special Act, and shall allow all persons interested therein to inspect the same and make
20 extracts or copies therefrom, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of Her Majesty, intituled, "An Act to compel Clerks of the Peace for Counties, and other Persons to take
25 the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

77.
Copies of Special Act to be kept and deposited, and allowed to be inspected.

7 Will. 4, and 1 Vict., c. 83.

30 If the Undertakers fail to keep or deposit any of the said copies of the Special Act as hereinbefore mentioned, they shall forfeit Twenty Pounds for every such offence, and also Five Pounds for every day afterwards during which such copy shall be not so kept or deposited.

78.
Penalty on Undertakers failing to keep or deposit such Copies.

35 And be it Enacted, That nothing herein or in the Special Act contained shall be deemed to exempt the Undertakers from any General Act relating to Waterworks, or any Act for improving the sanitary condition of towns and populous districts which may be passed in the same Session of Parliament in which the Special Act is passed, or any future Session of Parliament.

79.
Undertakers not exempt from any General Act.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

80.
Act may be amended this Session.

Waterworks Clauses.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For consolidating in One Act certain Provisions
usually contained in Acts authorizing the
making of Waterworks for supplying
Towns with Water.

(Prepared and brought in by

Mr. Sturt, Sir George Grey, and Mr. Parker.)

Ordered, by The House of Commons, to be Printed,

25 February 1847.

Waterworks Clauses Bill.

AMENDMENTS MADE BY THE LORDS

TO THE

“BILL for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns with Water.”

- Pr. 4. l. 5. Leave out “corporeal.”
l. 36. After “Majesty’s” insert “superior.”
Pr. 6. l. 27. After “the” insert “Court of.”
Pr. 9. l. 20. After “construction” insert “or maintenance.”
l. 21 & After “authorized” insert “or otherwise by the execution of the
l. 22. powers thereby conferred.”
Pr. 15. l. 18. After “Act” insert “or the said plans or books of reference.”
l. 33. Leave out “for irrigation.”
Pr. 16. l. 27. After “any” insert “unlawful.”
Pr. 17. l. 30. Leave out from “thereof” to “in” in line 32.
Pr. 19. l. 11. After “Sheriff” insert Clause (A.)
Pr. 21. l. 6. Leave out “substituted” and insert “temporary.”
l. 7 & Leave out “may be” and insert “they may think.”
l. 8.
Pr. 23. l. 10. Leave out “substituted” and insert “temporary or other.”
Pr. 26. l. 4. After “aforesaid” insert “or as provided by the Special Act.”
Pr. 37. l. 3. Leave out “inhabitant” and insert “owner or occupier.”
l. 17. Leave out “inhabitant” and insert “owner or occupier.”
Pr. 42. l. 13. Leave out “or permit.”
l. 14. After “drain” insert “steam-engine boiler.”
Pr. 53. l. 24. Leave out from “suit” to “in” in line 25.
Pr. 54. l. 20. After “thereof” insert “if any.”
Pr. 60. l. 15. After “therein” insert “or from the laws of sewers for the time being in force within Ten Miles from the Royal Exchange, in the City of London.”

CLAUSE (A.) AND with respect to Mines; BE it Enacted as follows:

The Undertakers shall not be entitled to any mines of coal, iron-stone, slate or other minerals under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away, or used in the construction of the Waterworks, unless the same shall have been expressly purchased; and all such mines,

excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

The Undertakers shall from time to time, within Six Months from the time at which any pipes, conduits or under-ground works shall have been laid down or formed, cause a survey and map of the district within which any pipes or under-ground works belonging to the Undertakers shall be laid on a scale not less than One Foot to a Mile, and shall cause to be marked thereon the course and situation of all existing pipes or conduits for the collection, passage or distribution of water and under-ground works belonging to them, in order to show all such under-ground works within the said district, and shall within Six Months from the making of any alterations or additions, cause the said map to be from time to time corrected, and such additions made thereto as may show the line and situation of all such pipes, conduits and under-ground works as may be laid down or formed by them from time to time after the passing of the Special Act; and such map and plan or a copy thereof, with the date expressed thereon, of the last time when the same shall have been so corrected as aforesaid, shall be kept in the office of the Undertakers, and shall be open to the inspection of all persons interested in the same within the said district.

The Undertakers shall, from time to time, within Three Months from the time at which any pipes, conduits or under-ground works shall have been laid down or formed, deposit with the Clerks of the Peace in England or Ireland, and with the Sheriff Clerks in Scotland of every county, and the Town Clerk of every burgh in Scotland, in which such district or any part thereof may be situate, and also with the Parish Clerks of the several parishes in England, and Clerks of the Union of the several parishes in Ireland, and the Schoolmaster of the several parishes in Scotland, in which such under-ground works shall be situate, copies of the said map or plan, with all such particulars, and all such corrections and additions as aforesaid, so far as the same relates to such counties, burghs and parishes respectively.

The said Clerks of the Peace, Sheriff Clerks and Town Clerks, Parish Clerks, Clerks of the Union and Schoolmasters, shall receive the said copies of the said map and plan respectively, and shall keep the same, and shall allow all persons interested to inspect the same, and take copies or extracts of and from the same.

Except where otherwise provided for by agreement between the Undertakers and other parties, if the owner, lessee or occupier of any mines or minerals lying under the reservoirs or buildings belonging to the

the Undertakers, or under any of their pipes or works which shall be under ground, and shall be described in the map or plan which shall be so kept and deposited as hereinbefore mentioned, or within the prescribed distance, if any, and if no distance be prescribed, within Forty Yards therefrom, be desirous of working the same, such owner, lessee or occupier shall give the Undertakers notice in writing of his intention so to do, Thirty Days before the commencement of working; and upon the receipt of such notice it shall be lawful for the Undertakers to cause such mines to be inspected by any person appointed by them for the purpose, and if it appear to the Undertakers that the working of such mines or minerals is likely to damage the said works, and if they be willing to make compensation for such mines to such owner, lessee or occupier thereof, then he shall not work the same; and if the Undertakers and such owner do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

If before the expiration of such Thirty Days the Undertakers do not state their willingness to treat with such owner, lessee or occupier for the payment of such compensation, it shall be lawful for him to work the said mines, and to drain the same by means of engines or otherwise, as if this Act and the Special Act had not been passed, so that no wilful damage be done to the said works, and so that the said mines be not worked in an unusual manner; and if any damage or obstruction be occasioned to the works of the Undertakers by the working of such mines in an unusual manner, the same shall be forthwith repaired or removed (as the case may require), and such damage made good by the owner, lessee or occupier of such mines or minerals, and at his own expense; and if such repair or removal be not forthwith done, or if the Undertakers shall so think fit, without waiting for the same to be done by such owner, lessee or occupier, it shall be lawful for the Undertakers to execute the same, and recover from such owner, lessee or occupier the expense occasioned thereby by action in any of the Superior Courts.

If the working of any such mines under the said works of the Undertakers, or within the above-mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to such works, it shall be lawful for the respective owners, lessees and occupiers of such mines to cut and make such and so many airways, headways, gateways or water levels through the mines, measures or strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain and work any mines or minerals on each or either side thereof; but no such airway, headway, gateway or water level shall be of greater dimensions or sections than the prescribed dimensions or sections, and where no dimensions are prescribed,

Eight Feet wide and Eight Feet high ; nor shall the same be cut or made upon any part of the said works so as to injure the same.

Except where otherwise provided for by agreement, the Undertakers shall from time to time pay to the owner, lessee or occupier of any mines of coal, iron-stone and other minerals extending so as to lie on both sides of any reservoirs, buildings, pipes, conduits or other works, all such additional expenses and losses as shall be incurred by such owner, lessee or occupier by reason of the severance of the lands over such mines or minerals by such reservoirs or other works, or of the continuous working of such mines or minerals being interrupted as aforesaid, or by reason of the same being worked under the restrictions contained in this or the Special Act, and for any mines or minerals not purchased by the Undertakers, which cannot be obtained by reason of making and maintaining the said works, or by reason of such apprehended injury from the working thereof as aforesaid ; and if any dispute or question shall arise between the Undertakers and such owner, lessee or occupier as aforesaid, touching the price of such minerals, the same shall be settled by arbitration, in such manner as is provided by the Lands Clauses Consolidation Act, if the Undertaking shall be situate in England or Ireland, and by the Lands Clauses Consolidation (Scotland) Act, if the Undertaking shall be situate in Scotland.

For better ascertaining whether any such mines are being worked or have been worked, so as to damage the said works, it shall be lawful for the Undertakers, after giving Twenty-four Hours' notice in writing, to enter upon any lands through or near which the said works are situate, and wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith ; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee or occupier of such mines, and to use all necessary means for discovering the distance from the said works to the parts of such mines which are being worked or about to be worked.

Nothing in this or the Special Act shall prevent the Undertakers from being liable to any action or other legal proceeding to which they would have been liable for any damage or injury done or occasioned to any mines by means or in consequence of the Waterworks, in case the same had not been constructed or maintained by virtue of this Act or the Special Act.

Waterworks Clauses Bill.

AMENDMENTS

MADE BY THE LORDS

TO THE

“ Bill for consolidating in One Act certain
Provisions usually contained in Acts
authorizing the making of Waterworks for
supplying Towns with Water.”

Ordered, by The House of Commons, to be Printed,
13 April 1847.

265.

Under 1 oz.

15 May 1847.—10 VICT.



A

B I L L

To empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of Windsor.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ ^{Preamble.} the Approaches to the Castle and Town of Windsor stand much in need of alteration and improvement, and it would be conducive to the privacy and comfort of The QUEEN's most Excellent Majesty, as well as to the accommodation of the Town of Windsor, that such Approaches should be altered and improved :

And whereas the Windsor, Staines and South Western Railway Company have proposed to construct a Railway commencing at Richmond, in the county of Surrey, and terminating in the parish of Datchet, in the county of Bucks, near a certain ayte or island in the River Thames, called Blackpots :

And whereas the formation of a public road from Datchet to the proposed Terminus of the said Railway near Blackpots aforesaid, and the construction of a Bridge across the Thames there, and the formation of a public road from the said Terminus across the said intended Bridge, and from thence through a portion of Her Majesty's Park into Thames-street, Windsor, and the widening and improving Thames-street and High-street, Windsor, are requisite to provide proper accesses and approaches from Datchet, and from the said Terminal Station of the said Railway to the Castle and Town of Windsor :

And whereas the said Company have agreed with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, to pay to the said Commissioners, on behalf of Her Majesty, the sum of Sixty thousand Pounds towards the expense of constructing the said Roads and Bridge, and of widening and improving Thames-street and High-street, Windsor, and the said works will be advantageous to the said Company; and in connexion with the other alterations and improvements of the Approaches to the Town and Castle of Windsor, authorized by this Act, will be conducive to the privacy and comfort of Her Majesty, as well as to the accommodation of the Town of Windsor; and it is expedient that the agreement so entered into between the said Commissioners on behalf of Her Majesty and the said Railway Company should be ratified, and that the said Commissioners on behalf of Her Majesty should be authorized and empowered to execute and carry into effect the purposes before mentioned or referred to;

May it therefore please Your MAJESTY,

That it may be Enacted; ~~And be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said agreement so entered into by the said Company, and which bears date the Tenth day of May One thousand eight hundred and Forty-seven, shall be and is hereby confirmed; and that it shall be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, on behalf of Her Majesty, and they are hereby empowered to execute and carry into effect the several powers and purposes of this Act and of the said agreement so hereby confirmed.

1.
Agreement with the Windsor, Staines and South-Western Railway Company confirmed, and the Commissioners of Woods to carry into effect the purposes of this Act.

2.
Alterations and improvements to be effected.

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to make the several alterations and improvements in the Approaches to the Castle and Town of Windsor following; (that is to say)

Upper or first-mentioned Bridge.

To construct a Bridge across the River Thames, from a point in the parish of Datchet, in the county of Buckingham, near the eastern end of a certain island or aye in the River Thames, known by the name of Blackpots, to the south side of the said river, in the parish of New Windsor, in the county of Berks, and to make a new road from such intended Bridge upon, through and over certain parts of Her Majesty's Home or Little Park, and other lands of Her Majesty to or near to Datchet-lane, and to widen and improve Datchet-lane aforesaid

said from or from near the site of the said intended bridge to or near to the residence of the Naval Knights, and from thence to make a new road through lands and property belonging to the Dean and Canons of Windsor and others, into Thames-street, Windsor, at or near the foot of the Hundred Steps :

Also to pull down and remove the houses and buildings on the south and east sides of Thames-street, and the east side of High-street, Windsor, from or from near the foot of the Hundred Steps to the foot of the Castle-hill, nearly opposite to the gateway to the White Hart Inn, and to widen and improve Thames-street and High-street on the same sides thereof between the Hundred Steps and the Castle-hill aforesaid :

Also to stop up the public road leading from the town of New Windsor by Frogmore to or towards Old Windsor, between the point where the said road falls into or crosses the north end of the Long Walk and a point in the parish of New Windsor near where such road crosses the boundary of the parishes of New Windsor and Old Windsor, near a house called the Nelson Inn, in the parish of Old Windsor :

Also to stop up all roads, ways, paths and passages now leading into, upon, through or over Her Majesty's Home or Little Park, or leading across the Long Walk, between a point in the Long Walk Fifty Yards or thereabouts northwards of the Double Gates and the Castle of Windsor, and in lieu thereof respectively to make a new road, leading out of the present Sheet-street-road, near a place called the Magpie Style, upon, through or over certain lands of Her Majesty on the west side of the Long Walk, passing from thence across or under the Long Walk, and running from thence in a south-easterly direction upon, through and over certain lands of Her Majesty, called the Shaw Farm and Clay Hall Farms respectively, till such new road falls into a road or way called Clay Hall-lane, near the junction of Clay Hall-lane with the road leading from New Windsor to Old Windsor aforesaid, and to widen and improve that portion of Clay Hall-lane from its junction with the intended new road aforesaid to the road from New to Old Windsor aforesaid :

Also to make a new road or way leading out of the said road from New to Old Windsor, from a point in the parish of New Windsor nearly opposite to the Nelson Inn aforesaid, across a field the property of Her Majesty, to the River Thames in New Windsor aforesaid, near the junction of the parishes of Old Windsor and New Windsor aforesaid, and to construct a bridge from thence across the River Thames to the opposite bank in

Lower or second-mentioned Bridge.

the parish of Datchet, in the said county of Buckingham, and to make a new road from such last-mentioned bridge through or over property belonging to the Earl of Harewood and others, to or near to a farm-house, called Southley farm-house, in the parish of Datchet aforesaid, and to divert, widen and improve the present road between Southley farm-house aforesaid and the village of Datchet, and to make a new road from the village of Datchet aforesaid, along or near to the north bank of the River Thames, to the hereinbefore-mentioned intended bridge near Blackpots aforesaid, and also to pull down and remove Datchet Bridge, and to stop up all roads, ways, paths and passages in the parish of New Windsor, which now lead to or from such last-mentioned bridge :

Also to divert, alter and stop up that part of the present road and towing-path on the south bank of the River Thames, which is in the parish of New Windsor, and lying between the two hereinbefore-mentioned intended bridges, and to remove the same from the south to the north bank of the said river, between the same points in the parish of Datchet, in the county of Buckingham aforesaid, and to purchase and acquire on behalf of Her Majesty certain lands and houses situate, abutting on or near to the said road leading from New Windsor to Old Windsor, by Frogmore aforesaid, so proposed to be stopped up, and also situate, abutting on or near to the said intended new roads, and which said roads, bridges, towing-paths and ower works, matters and things, are or will be situate in and pass, or will pass from, in, through or into the several parishes of New Windsor and Old Windsor, in the said county of Berks, and the said parish of Datchet, in the county of Buckingham, or some of them :

Also to cross, divert, alter or stop up, whether temporarily or permanently, all such turnpike-roads, parish roads, streets and other highways, streams, sewers, pipes, canals, navigations or bridges within the said parishes, or some of them, as it may be necessary to cross, divert, alter or stop up for the purposes of the said Works, according to the plan or plans deposited with the Clerk of the Peace for the said county of Buckingham, and with the Clerk of the Peace for the said county of Berks.

3.
Commissioners empowered to construct
Bridges and Roads.

And be it Enacted, That for the purposes aforesaid, or any of them, it shall be lawful for the said Commissioners to dig and make proper foundations in the said river, and in the lands on each side thereof, and make dams in the said river, and cut and level the banks thereof, and cut, remove and take away all trees, roots of trees, beds of

of gravel, sand or mud, or other impediment whatsoever, and do and execute every other thing necessary or convenient for the purposes aforesaid, or any of them; and for the purpose of erecting the said intended bridges, and forming and completing such roads as aforesaid,

5 the said Commissioners shall have full power and authority from time to time to land on either side of the said river, within *One hundred* Yards from the sites of the said intended bridges respectively, all materials and other things to be used in or about the same, and there to work and use such materials and things as the said Commissioners

10 shall think proper, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners and occupiers of the lands and hereditaments which shall be damaged or used for the purposes of this Act; and the said firstly hereinbefore mentioned intended bridge, when erected, shall from time to time,

15 and at all times thereafter, be upheld and kept in repair by and at the expense of the Windsor, Staines and South Western Railway Company, or their assigns; and the said secondly hereinbefore mentioned bridge, when erected, shall from time to time and at all times thereafter be upheld and kept in repair by and at the expense of the

20 person or persons, body or bodies now liable to uphold and repair the said existing bridge at Datchet so intended to be pulled down and removed as aforesaid; and the liability to uphold and repair such last-mentioned intended bridge shall be and is hereby substituted and imposed upon the said person or persons, body or bodies, in lieu of

25 their liability to uphold and repair the said existing bridge.

And be it Enacted, That a copy of the said plan or plans so deposited as aforesaid, when signed by the Lord High Treasurer or the Commissioners for executing the office of Lord High Treasurer or any Three of them, shall be deposited in the office of Land Revenue

30 Records and Inrolments, and shall remain in the said office, to the end that all persons may, at all seasonable times, have liberty to inspect the same at their will and pleasure, paying the sum of *One Shilling* for every such inspection.

4.
Plans to be deposited in the Land Revenue Record Office, and be open to inspection.

And be it Enacted, That no alteration shall be made in the lines or sites of the said roads, bridges and approaches, as shown in such

35 plans, unless the same shall be approved by the Lord High Treasurer or the Commissioners for executing the office of Lord High Treasurer for the time being, or some Three or more of them.

5.
No alteration shall be made in roads, &c. without consent of the Treasury.

And be it Enacted, That the said Commissioners, in making the said roads, bridges and approaches, shall not deviate more than *One*

40 hundred Yards from the lines described in the aforesaid plans, without the consent of the person or persons, bodies politic, corporate or collegiate, through whose lands or tenements such deviation shall be made.

6.
No deviation to be made from such plans without consent.

7.
Site of Roads stopped
up vested in Her
Majesty.

And be it Enacted, That the ground and soil of such roads, ways, paths and passages, as shall be so stopped up and inclosed, and the fee-simple and inheritance thereof, shall thereupon become and be vested in The QUEEN's most Excellent Majesty, Her heirs and successors.

5

8.
Penalty on persons
obstructing the
execution of the
Works.

And be it Enacted, That if any person or persons having the care of any float, raft, boat, barge or other vessel, or any other person or persons shall, after being warned by any person employed in the construction of any of the Works by this Act authorized to be constructed, by passing or navigating over any part of the said river 10 where such works are in progress, or otherwise cause any hindrance or obstruction to the execution of such Works, or any of them, every person so offending shall, for every such offence, forfeit and pay any sum not exceeding *Five Pounds*, to be recovered in such manner as other penalties and forfeitures are by this Act directed to be reco- 15 vered.

9.
Power to Commis-
sioners to raise or
lower streets, &c.,
making compensa-
tion.

And be it Enacted, That it shall be lawful for the said Commis- sioners, and they are hereby empowered, to raise or lower the ground of any streets or ways which shall lead to or communicate with the said bridges and approaches, or any part or parts thereof 20 respectively, making compensation to the owners of houses or premises injured by such alterations as shall be agreed on by and between the parties.

10.
Power to arch over
or fill up sewers and
drains.

And be it Enacted, That it shall be lawful for the said Commis- sioners, and they are hereby empowered, to cause to be arched over 25 or filled up all such sewers and drains, or part or parts thereof, which shall lie and be in or near the said roads, bridges, approaches and new ways to be made, altered, diverted or stopped up or inclosed as aforesaid, respectively, as shall appear necessary for completing the purposes of this Act, so that no public sewer or drain whatsoever, 30 or any private drain, shall be in anywise disturbed, injured or prejudiced, without another sewer or drain being made in lieu thereof, equally serviceable and convenient to the individual or neighbourhood.

11.
Power to Commis-
sioners to raise, sink
or alter water and
gas-pipes.

And be it Enacted, That it shall be lawful for the said Commis- 35 sioners to raise, sink or otherwise alter or cause to be altered, the position of any of the steps, areas, cellars, windows and water-channels, pipes or spouts, belonging to any house or houses, and also the mains and the leaden or other pipes which, for the purposes of conveying water or gas to any house or other place, shall be laid into 40 or from any main or pipe laid down for supplying the inhabitants with water or gas, and to remove all other obstructions so as the same respectively

respectively be done with as little detriment and inconvenience to the said inhabitants as the circumstances of the case will admit

And be it Enacted, That when the said roads and approaches shall be made in pursuance of this Act, all the land and hereditaments which shall be laid open into the said roads and approaches, shall form part of the said roads and approaches, and shall be used by the public accordingly ; and such of the said roads and approaches as by the said agreement are agreed to be repaired by the said Company shall be kept in repair by them for ever thereafter ; and as to all such roads and approaches as may be locally situate within the borough of New Windsor, the same shall be considered and be part of the public streets or roads of the said borough, and as to all other the roads and approaches to be made or altered under the authority of this Act, such last-mentioned road and approaches, when made or altered, shall be taken to be parish roads.

12.
Ground laid into the streets to form part of the roads, and may be used by the public.

And be it Enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to take and use, or cause to be taken and used, any tenements or hereditaments, and pull down or remove, or cause to be pulled down and removed, any houses or buildings which it may be deemed necessary and expedient to take or pull down and remove for the purposes of this Act, at any time after the expiration of *Six* calendar Months after notice in writing from the said Commissioners, or their agent duly authorized, of their intention to take or use the same, shall either be given to the principal officer of the body politic, corporate or collegiate, or to the person or persons who shall be the owners and occupiers of any such tenements or hereditaments ; or in case he, she or they cannot be found or ascertained, left at the usual or last place or places of his, her or their abode, or with the tenant or tenants, occupier or occupiers of the same tenements or hereditaments, or shall be affixed upon the same premises ; and for the purposes of this Act the owner shall be any person hereby capacitated to sell.

13.
Power to take Houses after notice.

And be it Enacted, That no tenements or hereditaments other than the bed of the said river as aforesaid shall be taken or made use of for the purposes of this Act, except such as are mentioned in the Schedule hereto, or as are situated within the limits of deviation hereinbefore authorized, without the consent of the owner or owners thereof first had for that purpose.

14.
No houses, &c. to be taken without consent unless mentioned in Schedule.

And be it Enacted, That it shall be lawful for the said Commissioners to purchase, take down and use for the purposes of this Act any of the tenements and other hereditaments described in the said plan or plans so deposited as aforesaid, as intended to be

15.
Houses and lands may be taken, notwithstanding errors in the Schedule, if certified by Two Justices.

taken for the purposes of this Act, although the same tenements and other hereditaments, or the name or names of the owner or owners, occupier or occupiers thereof, may have been erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more of the Justices of the Peace of the county of Berks, as regards hereditaments situate in the county of Berks, and to any Two or more of the Justices of the Peace for the county of Buckingham, as regards hereditaments situate in the county of Buckingham, and be certified under their hands that such error or omission proceeded from mistake or erroneous information.

16.
Power for Commissioners to enter for the purpose of survey after notice.

And be it Enacted, That it shall be lawful for the said Commissioners and for their Surveyors, officers and workmen, from time to time at all seasonable times in the day-time, upon giving, for the first time, *Twenty-four Hours*, and afterwards, from time to time, *Twelve Hours* previous notice, in writing, to enter into and upon all or any of the said tenements and hereditaments authorized to be taken and used as aforesaid, or any of them, for the purpose of surveying or valuing the said premises, without being deemed a trespasser or trespassers, and without being subject or liable to any fine, penalty or punishment on account of entering or continuing upon any part or parts of the said tenements and hereditaments for the damages that shall be thereby occasioned.

17.
Commissioners may treat for purchase and enter into contracts.

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to treat and agree for the purchase of any tenements and hereditaments which they may deem necessary for the purposes of this Act to be taken and used by them, and of any subsisting leases, terms, shares, estates and interests therein and charges thereon, or such of them or such part or parts thereof respectively as the said Commissioners shall think proper, and to enter into any contract or contracts which they may think fit.

18.
Property purchased to be conveyed to Her Majesty.

And be it Enacted, That the tenements and other hereditaments which shall be purchased in pursuance of this Act shall be conveyed to The QUEEN's most Excellent Majesty, Her heirs and successors, as part and parcel of the possessions and land revenues of Her Crown, or to such person or persons in trust for Her Majesty as the said Commissioners shall direct.

19.
Power of purchase to cease in Seven Years.

And be it Enacted, That if the said Commissioners shall not, within the space of Seven Years, purchase or take the tenements and hereditaments, or parts thereof respectively, which they are empowered by this Act to take and purchase, then and from thenceforth the powers hereby granted for such purpose shall cease.

And

20.
Bodies politic, Trustees, &c. empowered to sell and convey.

And be it Enacted, That it shall be lawful for all bodies politic, corporate or collegiate, ecclesiastical or lay, aggregate or sole, and for all trustees and feoffees in trust for charitable and other purposes, and all executors and administrators, not only for and on behalf of themselves and their successors, heirs, executors and administrators respectively, but also for and on behalf of their respective cestuique trusts, whether infants, femmes covert, idiots, lunatics or persons not born or not ascertained, or any other person or persons whomsoever, and to and for all tenants for life or for years, absolute or determinable on any life or lives, and all persons having any other partial or qualified estate or interest, not only for and on behalf of themselves, their heirs, executors, administrators and issue, but also for and on behalf of the person or persons entitled in remainder, expectancy or contingency, or for any other future estate or interest, where such person or any of such persons, whether entitled to the next or any subsequent estate or interest, or any part thereof, shall not be ascertained or shall be incapable of contracting for, selling or conveying the same, and to and for all guardians on behalf of their respective wards, husbands on behalf of their respective wives, committees on behalf of the persons of whose estates they shall be committees, and the heirs, executors and administrators and issue of such wards, wives or persons respectively, and to and for all femmes covert entitled in their own right to any such tenements or hereditaments, or to dower or other interest therein, on behalf not only of themselves, but also of their respective heirs, executors, administrators and issue, and also where such wards, wives, persons or femmes covert respectively shall be tenants for life or in tail or for years, or have any other partial or qualified estate or interest, to and for such guardians, husbands, committees and femmes covert, on behalf of the person or persons on behalf of whom such wards, wives, persons or femmes covert respectively (if of full age), unmarried and of sound mind, might have contracted for, sold and conveyed the same tenements or hereditaments, and to and for all and every other person or persons whomsoever who are or shall be seised or possessed of or interested in any tenements or hereditaments which by the said Commissioners shall be thought necessary for any of the purposes of this Act, to contract for, sell and convey the same and every or any part thereof to Her Majesty and Her successors, or to such person or persons as the said Commissioners shall direct ; and all contracts, agreements, bargains, sales, conveyances and assurances, acts and deeds which shall be made by such bodies politic, corporate or collegiate, trustee or trustees, or other person or persons as aforesaid, shall be valid and effectual in the law, and all bodies politic, corporate or collegiate, and all persons whomsoever contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such sale or conveyance which they, he, she or any of them shall

403. B respectively

Contracts, &c. valid.

respectively make by virtue or in pursuance of this Act; and all persons hereby capacitated to contract and sell are hereby authorized to give any consents authorized to be given by this Act, as if they were the absolute owners of the property in respect of which such consents may be given.

21.
Bodies politic, &c.
may convey without
receiving satisfac-
tion, or may accept
satisfaction for
tenements, &c.

In case of dispute,
the same to be
settled by a Jury.

And be it Enacted, That all and every body and bodies politic, corporate or collegiate, trustee or trustees, and other person and persons hereinbefore capacitated to contract for, sell and convey any such tenements or hereditaments as aforesaid, and any other owner or owners of any such tenements or hereditaments, or of any share or shares, estate or estates, interest or interests therein, or charge or charges thereon, may convey the same without receiving any satisfaction or recompense for the value thereof, or may accept and receive such satisfaction and recompense for the value thereof; and such body or bodies, trustee or trustees, person or persons, owner or owners, and also any tenant or tenants, or other occupier or occupiers of any such premises entitled to any compensation for tenants' fixtures, and for any other injury or damage sustained on account of the execution of this Act, may accept and receive such sum of money in respect thereof as shall be agreed upon between them respectively and the said Commissioners; and in case the said Commissioners and the said parties interested in such tenements or hereditaments or fixtures, or sustaining any injury or damage, cannot or do not agree as to the amount or value of such satisfaction or recompense, the same respectively shall be ascertained and settled by a jury in manner hereinafter directed.

22.
Parties to deliver
statements of their
claims within One
Month after receiv-
ing notice.

And be it Enacted, That on or before the expiration of *One calendar Month* next after notice in writing from the said Commissioners, or their agent duly authorized, of the intention to take or use any tenement, or hereditament, or any part thereof, for the purposes of this Act, shall have been given, left or affixed as hereinbefore is mentioned, all and every body and bodies politic, corporate or collegiate, trustee and trustees, and other person and persons seised, possessed of or interested in or authorized by this Act to accept and receive satisfaction or recompense for the value of the same, or any estate, share or interest therein or charge thereon, or being or claiming to be entitled to any compensation for any fixtures, or for any injury or damage sustained on account of the execution of this Act, shall deliver to or leave at the office of the said Commissioners a statement in writing of the particulars of the estate, share, interest or charge which he, she or they claim to be entitled to or to be authorized to receive in satisfaction or recompense for and of the fixtures, and of the injury or damage sustained by him, her or them, and of the amount of the sum or sums of money which he, she or they may be willing to receive in satisfaction or recompense for the value of such estate, share, interest or charge, and also the amount of the sum or sums of money which he,

he, she or they may be willing to receive as compensation for such fixtures and for such injury or damage respectively.

23.

If parties refuse to treat or shall not agree, a Jury to be summoned.

And be it Enacted, That if any owners or proprietors, occupiers, bodies politic, corporate or collegiate, ecclesiastical or civil, corporations aggregate or sole, trustees, femmes covert, or any other person or persons seised, possessed of, or interested in any tenement or hereditament, or any share or shares, estate or estates, interest or interests therein, or charge or charges thereon, which the said Commissioners are hereby empowered to purchase for the purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the premises, or by reason of absence or disability shall be prevented from treating with the said Commissioners, or with the person or persons authorized by them, for the sale and disposal of their respective estates and interests therein, or cannot be found or known, or shall not produce and evince a clear title to the premises they may be in possession of, or to the interest they shall claim therein, to the satisfaction of the said Commissioners, then and in every or any such case the Sheriff of the county of Berks, or his Under-sheriff, as regards any hereditaments which may be situate within the county of Berks, and the Sheriff of the county of Buckingham, or his Under-sheriff, as regards any other hereditaments, or in case any such Sheriff or Under-sheriff shall be in anywise interested in the matter in question, then the Coroner or some one of the Coroners of the said counties of Berks and Buckingham respectively, as the case may be, not interested therein, shall upon the warrant of the said Commissioners, and he and they is and are hereby required and authorized to cause it to be inquired into and ascertained, upon the oaths of a Jury of Twelve indifferent men of the said county of Berks as regards hereditaments within the said county, and of the said county of Buckingham as regards any other hereditaments, which oaths the said Sheriff, Under-sheriff or Coroner is hereby empowered and required to administer, what damages will be sustained by, and what recompense and satisfaction shall be made to, such owners, occupiers or other person or persons interested for the value of such tenements and hereditaments, and of the proportionable value of the respective estates and interests of every person or persons seised or possessed thereof or interested therein, or of or in any part thereof, and assess and award the sum or sums of money to be paid to such person or persons, party or parties respectively, for the purchase of such tenements or hereditaments, and of such respective estates and interests therein, and for any injury or damage whatsoever that may affect any such person or persons, party or parties, provided such compensation shall be estimated by what in the opinion of such jury the premises would have been worth in case the alterations or improvements intended by this Act had not been in contemplation, and also for and on account of

the taking of such tenements or hereditaments for the purposes of this
 Act ; but no sum of money shall be awarded for or in respect of any
 building or improvement which in the opinion of such jury shall have
 been constructed or made with a view to obtaining compensation under
 this Act, beyond the actual cost of building and the materials used ; 5
 and the said jury, in estimating such recompense and satisfaction,
 shall take into their consideration the increase or depreciation in
 value of the residue of any property of which such tenements or
 hereditaments shall form part ; and in order thereto the said Sheriff,
 Under-sheriff or Coroner is and are hereby empowered and required 10
 from time to time, as occasion shall require, to summon and call
 before the said jury, and examine upon oath, all and every person or
 persons whomsoever who shall be thought necessary and proper to be
 examined as a witness or witnesses touching or concerning the
 premises, which oath the said Sheriff, Under-sheriff or Coroner is 15
 and are hereby empowered to administer ; and such Sheriff, Under-
 sheriff or Coroner respectively shall order and cause the said jury to
 view the places in question (if there be occasion), and use all other
 lawful ways and means, as well for his and their own as for the said
 jury's better information in the premises, as the said Sheriff, Under- 20
 sheriff or Coroner shall think fit ; and after the said jury shall have
 inquired of and ascertained and settled such damage, recompense
 and satisfaction, the said Sheriff, Under-sheriff or Coroner shall there-
 upon order the sum or sums of money so assessed by the said jury
 to be paid by the said Commissioners to the said owners or occupiers 25
 of or other persons interested therein, according to such verdict or
 inquisition ; which said verdict or inquisition, and order so had and
 made, shall be final, binding and conclusive to all intents and purposes
 upon and against all bodies politic, corporate or collegiate, ecclesias-
 tical or civil, corporations aggregate or sole, as well as other parties 30
 or persons whomsoever ; and for the summoning and returning of
 such jury or juries, the said Commissioners are hereby empowered to
 issue their warrant or warrants to the said Sheriff, Under-sheriff or
 Coroner, to summon, impanel and return, at some convenient place in
 the said county of Berks, or in the said county of Buckingham (as 35
 the case may be), a Jury of not less than Thirty-six or more than
 Forty-eight honest and indifferent men, qualified according to law
 to be returned for trials of issues in Her Majesty's Courts of Record
 at Westminster, to appear before the said Sheriff, Under-sheriff or
 Coroner, at such time and place as in such warrant shall be appointed ; 40
 and Fourteen Days' notice at the least in writing, under the hands of
 the said Commissioners, of the time and place at which such jury are
 so required to be returned, shall be given to such owners, proprietors,
 occupiers, corporations, trustees or any other person or persons in-
 terested in the premises, before the time of meeting of the said jury,
 by leaving such notice at the dwelling-house of such person or persons,

or

or of the head officer of such body or bodies politic, corporate or collegiate, or with some tenant or occupier of the premises respectively intended to be valued ; and the said Sheriff, Under-sheriff or Coroner is and are hereby empowered to impanel, summon and return such
 5 number accordingly ; and out of the persons so impaneled, summoned and returned, or out of such of them as shall appear upon such summons, the said Sheriff, Under-sheriff or Coroner shall swear or cause to be sworn Twelve, who shall be the jury for the purposes aforesaid ; and in default of a sufficient number of jurymen, the said Sheriff, Under-
 10 sheriff or Coroner shall return other honest and indifferent men of the standers-by, or that can be speedily procured to attend that service (being qualified as last aforesaid), to the number of Twelve ; and it shall be lawful for all persons concerned, by themselves, their counsel, solicitors and agents, to attend and be heard, and to
 15 adduce evidence before the said Sheriff, Under-sheriff or Coroner respectively ; and such persons shall also have their lawful challenges against any of the said jurymen when they come to be sworn, but shall not challenge the array.

And be it Enacted, That if the owner, lessee or occupier of any
 20 tenements or hereditaments authorized to be taken by virtue of this Act, shall not be inclined to sell or part with the whole thereof, or of his or her interest in the whole thereof, and it shall not be found necessary to take the whole for the purposes of this Act, and the said parties cannot agree as to the sum of money to be paid for the part
 25 which the said Commissioners shall not think it necessary to purchase, then and in such case the jury which shall be summoned to value the premises shall assess the value of the whole premises according to the condition in which they are at the time of taking the view, and also the value of that part of the premises which will remain after the said
 30 Commissioners have taken away so much as they shall think necessary for the purposes of this Act ; and in such last valuation the said jury shall take into their consideration the improvement or depreciation which the remainder of the premises is likely to receive or sustain from the alteration intended to be made ; and the jury having made
 35 these two valuations, the difference between them shall be the price to be paid by the said Commissioners for that part which they shall have occasion for, and such price shall be recorded as the verdict of the jury for the value of the same.

24.
Where part of property is taken, and parties cannot agree as to the value of the remainder, a Jury shall be summoned to assess the same.

And be it Enacted, That no Jury to be summoned by virtue of this
 40 Act shall be allowed to assess or award any sum or sums of money to any body or bodies politic, corporate or collegiate, person or persons, by way of compensation for tenants' fixtures, or any injury or damage alleged to have been sustained by him or them by reason or means of this Act, or any thing which shall or may be done in the execution
 403. hereof;

25.
No Jury to award compensation without notice given to Commissioners of amount claimed.

hereof, unless such a statement as hereinbefore is mentioned of the particulars of every such claim, and how and in what manner the amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their office as aforesaid, by and on behalf of such person or persons, Ten Days at least before the time of meeting of such Jury. 5

26.

Penalty on Sheriff,
Jury and Witnesses
for neglect of duty.

And be it Enacted, That if the Sheriff, Under-sheriff or Coroner so directed to summon and return a Jury as aforesaid shall make default in the premises, he shall for every such offence forfeit and pay any sum not exceeding Ten Pounds to the party who shall be prejudiced or injured thereby, to be recovered with full costs of suit, by action of debt or on the case, in any of Her Majesty's Courts of Record at Westminster; and if any person so summoned and returned as aforesaid upon such jury shall not appear, or appearing shall refuse to be sworn or to give his verdict, or shall in any other manner wilfully neglect his duty contrary to the true intent and meaning of this Act; or if any person so summoned as a witness shall not appear, or appearing shall refuse to be examined or to give evidence, any person so offending, having no reasonable excuse, to be allowed by the Justices hereinafter mentioned, shall for every such offence forfeit and pay any sum not exceeding Ten Pounds; which several and respective penalties shall and may be levied by virtue of any warrant under the hand and seal of one of Her Majesty's Justices of the Peace for the said county of Berks, or of the said county of Buckingham (as the case may be), by distress and sale of the goods and chattels of the person so offending, the person making such distress and sale rendering to him or her the overplus of the money thereby produced (if any) after such penalty and the charges of such distress and sale shall be deducted, and all such fines shall be paid to the said Commissioners, to be applied for the purposes of this Act. 30

27.

Jury shall, if required, assess value of fee-simple, and then apportion the value of respective interests therein.

And be it Enacted, That in all cases in which a verdict shall be given for the value of any tenements or hereditaments, or share or shares therein, the jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess and ascertain the value of the fee-simple of the entirety of the said premises, and shall afterwards apportion and divide the value so ascertained between and among all the different shares and charges which shall be claimed therein, and also between different parts of the said tenements or hereditaments alleged to be held under different titles: Provided always, That the verdict of any jury shall not defeat or prejudice any contract or sale which shall have been previously made of any share or charge, although the value of the same may be ascertained to be different from the amount of the price, recompense or satisfaction agreed to be paid for the same. 40

And

Value of tenements
and damages to be
awarded separately.

And be it Enacted, That the jury and juries so to be summoned as aforesaid, shall award all determinations, judgments and verdicts which they shall make and give in execution of the powers hereby vested in them, concerning the value of tenements or hereditaments, or of any share or shares, estate or estates, interest or interests therein, or any charge or charges thereon, separately and distinctly from the consideration of any loss of good-will to which the occupier may personally be entitled, or any other loss or damage to be sustained by any person or persons in consequence of the execution of the powers of this Act, and shall distinguish the value set upon the hereditaments or share or shares, estate or estates, interest or interests therein, charge or charges thereon, and the money assessed or adjudged for such good-will, loss or damage as aforesaid, separately and apart from each other; and when any money shall be assessed or adjudged for such good-will, loss or damage as aforesaid, the jury shall, if required by the said Commissioners, award and declare whether the statement delivered by the claimant or claimants of the manner in which any amount of the money which shall have been demanded as a compensation for the same has been computed and made up, gave sufficient particulars to enable the said Commissioners to make a proper offer.

Providing for
expenses of sum-
moning Juries.

And be it Enacted, That in case any jury to be summoned and sworn, pursuant to the authority of this Act, shall give in a verdict or assessment for more money as a recompense or satisfaction for the rights, interests or property of any person or persons in any such tenements or hereditaments, or for any such injury or damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners, before the summoning and returning of such jury, or where, by reason of absence in foreign countries, or other incapacity or disability as aforesaid, there shall not be found any person or persons legally capacitated to enter into any contract with the said Commissioners, then and in every such case all the reasonable costs, charges and expenses of causing and procuring such recompense or satisfaction to be assessed by a jury, shall be settled by the Sheriff, Under-sheriff or Coroner before whom such claim shall have been tried, and shall be paid by the said Commissioners; but in every case in which any jury so summoned and sworn as aforesaid shall be of opinion that the statement delivered by the claimant or claimants of the manner in which any amount of money which shall have been demanded as a compensation has been computed and made up, did not give sufficient particulars to enable the said Commissioners to make a proper offer, and in every case in which any such jury shall give in a verdict or assessment for no more or less money, as such recompense or satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners in

the aggregate for the same, before the summoning and returning of the said jury, or in case no damages shall be given by the verdict where the dispute is for damages only, or where the causing such jury to be summoned shall have arisen from a refusal to treat with the said Commissioners by any body or bodies politic, corporate or collegiate, or by any person or persons whomsoever, who is or are, by the provisions of this Act or otherwise, legally empowered to treat, then (except where by reason of absence such person shall be prevented from treating with the said Commissioners) all such costs, charges and expenses, to be settled by such Sheriff, Under-sheriff or Coroner, in manner aforesaid, shall be paid to the said Commissioners by the said body or bodies politic, corporate or collegiate, or other person or persons so claiming such compensation or refusing to treat as before mentioned respectively, save only and except where, by reason of absence or other like cause, any person shall have been prevented from treating as aforesaid, in which case no costs, charges or expenses shall be allowed to either party as against the other; and all costs, charges and expenses hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the money so adjudged or assessed to be paid by them, as so much money advanced to and for the use of the person and persons entitled to such money so adjudged; and payment or tender of the remainder of such money shall be deemed and taken to be a payment or tender of the whole sum or sums so adjudged or assessed, or in case no money or no sufficient sum of money shall be awarded or assessed to be paid by the said Commissioners, whereout such costs, charges and expenses can be deducted, then the same shall and may be recovered by virtue of any warrant under the hand and seal of one of Her Majesty's Justices of the Peace for the county of Berks or county of Buckingham (as the case may be), by distress and sale of the goods and chattels of the person or persons liable to the payment of the same, the party making such distress and sale rendering to such person or persons as aforesaid the overplus of the money thereby produced (if any) after such costs, charges and expenses, and the charges of such distress and sale, shall be deducted.

30.
Verdicts to be recorded, and afterwards deposited with the Clerk of the Peace, to be evidence and open to inspection.

And be it Enacted, That a minute or docquet of all the said judgments and verdicts shall be recorded in the office of Land Revenue, Records and Inrolments; and all such judgments and verdicts shall be afterwards deposited with the Clerk of the Peace of the said county of Berks or the said county of Buckingham (as the case may be), to be kept and preserved by him amongst the records of the Quarter Sessions of the said county, and shall be deemed to be records to all intents and purposes whatsoever, and the same, or true copies thereof, shall be allowed to be good evidence in all courts whatsoever, and all persons shall have liberty to inspect the same, paying for such inspection

inspection the sum of *One Shilling*; and to take copies thereof, paying for every copy the sum of *Sixpence* for every *Seventy-two* words, and so in proportion for any less number of words.

And be it Enacted, That if in any case the owner or owners of any
 5 house or building, or of any yard or curtilage occupied therewith, part only of which shall be required by the said Commissioners for the purposes aforesaid, shall be unwilling to sell or dispose of such part only of such house, building, yard or curtilage as shall be required by the said Commissioners, it shall be lawful for the said Commissioners, and
 10 they are hereby required, at the option of any owner or owners of any such house, building, yard or curtilage, to purchase from the said owner or owners the whole or such part thereof, over and above such part thereof as may be wanted for the purposes of this Act, as such owner or owners shall think fit, and to apply so much and such
 15 part thereof as the said Commissioners shall see fit for the purposes aforesaid; and if such owner or owners shall not or cannot agree with the said Commissioners for the price to be paid for the purchase of the whole or such part as aforesaid of such house, building, yard or curtilage, then the value thereof shall be settled and ascertained by a
 20 jury, in such manner as the price for any premises to be taken in pursuance of this Act is directed to be settled and ascertained; and all such other proceedings shall take place respecting the said premises as are hereinbefore directed with respect to the premises the value of which shall be ascertained by a jury in manner aforesaid.

31.
 If owners are unwilling to sell part of houses, &c. Commissioners to purchase the whole.

If owners and Commissioners shall not agree, value to be settled by a Jury.

And be it Enacted, That in all cases in which any person or persons shall claim any satisfaction or compensation in respect of any unexpired term or interest which he, she or they shall claim to be possessed of or entitled unto in any tenements or hereditaments intended to be taken or used under the authority of this Act, under or by virtue
 30 of any demise or lease, or agreement for demise or lease, or grant thereof, the said Commissioners are hereby authorized to require such person or persons to produce or show the demise or lease, or agreement for demise or lease, or grant in respect of which such claim to satisfaction or compensation shall be made, or the best evidence thereof
 35 in his, her or their power; and if such demise or lease or agreement for demise or lease or grant, or such best evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after demand made by the said Commissioners, or any person by them authorized, the person or persons claiming such satisfaction or compensation shall be considered and treated as holding only from year to year.

32.
 Persons holding under-leases to produce the same.

33.

In case of disputes as to damage of small amount, the same to be settled by Two Justices.

Justices may administer oaths.

And be it Enacted, That in case any difference shall arise between the said Commissioners and any of the owners or occupiers of the property to be taken or used for the purposes of this Act, as to the amount or value of the damages done by the said Commissioners, their agents or workmen, to such property, in the execution of the powers of this Act, and such difference cannot be adjusted and settled between the parties, the same shall, in case the amount of damages claimed does not exceed the sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the county of Berks, if the property is situate in that county, and for the said county of Buckingham, if the property is situate in that county, who upon application made to them by both or either of the said parties, shall examine into the matter in dispute, and shall determine and settle the amount of compensation which shall be payable by the said Commissioners; and such Magistrates may examine witnesses and administer oaths in all respects, and with the same consequences as to false swearing, as if the same were a judicial matter brought before them, on which they were by law entitled to adjudicate.

34.

Commissioners not to take possession till purchase-money is paid or tendered.

And be it Enacted, That all sums of money, or other consideration, recompense or satisfaction, to be made or paid pursuant to any such agreement or verdict as aforesaid, shall be paid or tendered to the party or parties entitled to the same, or into the Bank of England, as herein mentioned, before the said Commissioners or any person or persons authorized by them shall proceed to take possession, or pull down any house or houses, or other erection or buildings comprised in or affected by such agreement or verdict respectively, or to use the ground for any of the purposes of this Act.

35.

In case parties cannot be found, or not able to make a good title, &c. Commissioners may take possession on payment of purchase-money into the Bank of England.

And be it Enacted, That if any body or bodies, person or persons, seised or possessed of, or interested in any such tenements or hereditaments, or share or shares, estate or estates, interest or interests therein, or charge or charges thereon as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good title to the premises, to the satisfaction of the said Commissioners, or shall refuse to execute a conveyance or conveyances thereof, then and in any of such cases, upon payment of such sum or sums of money as shall have been contracted and agreed, or shall have been assessed and awarded by any referee or referees, or by any jury or juries in manner aforesaid, to be paid for the purchase of or for the value of the same premises into the Bank of England, as hereinafter directed and required (in case the same shall be requisite), for the use of such person or persons so interested or entitled as aforesaid, in or to such tenements or hereditaments, or parts, shares, estates, interests or charges, the fee-simple and inheritance thereof, together with the yearly

yearly profits thereof, and all the estate, right, title, interest, use, trust, property, claim and demand in law and equity, of the body or bodies, person or persons, or unknown person or persons, to whose credit such money shall be paid in, to and out of the tenements and hereditaments to be purchased as aforesaid, shall from thenceforth vest in The QUEEN's most Excellent Majesty, Her heirs and successors, who shall be deemed in law to be in the actual seisin and possession thereof to all intents and purposes, freed and discharged from all former and other estates, rights, titles and interests, claims and demands, as fully and effectually as if every body or person having any estate in the premises had actually conveyed the same by bargain and sale, enrolled with the assent of any protector of the settlement, whose assent might be necessary, or feoffment with livery of seisin, or any other conveyance or assurance whatsoever ; and such payment shall not only bar all right, title, interest, claim and demand, of the body or bodies, person or persons, or unknown person or persons, of, in, and to the same premises, to whose credit such payment or tender shall have been made, but also shall extend to and be deemed and construed to bar the dower and dowers of the wife and wives of such person or persons, and all estates tail, and other estates in possession, reversion, remainder, expectancy or contingency, and the issue and issues of such person or persons, and every other person whomsoever ; and the same premises shall and may thereupon be pulled down, made use of and employed by the said Commissioners for the purposes of this Act.

And be it Enacted, That if any money shall be agreed or assessed to be paid for any tenements or hereditaments, or part or parts thereof, or share or shares, estate or estates, interest or interests therein, or charge or charges thereon, or for any other right, matter or interest, of what nature or kind soever, purchased, taken or used by virtue of this Act, which shall belong to any body politic, corporate or collegiate, feme covert, infant, lunatic, or other person or persons, under any disability or incapacity, or not legally entitled absolutely to dispose of the premises by the sale of which such money shall be produced, such money shall, in case the same shall amount to or exceed the sum of Two hundred Pounds, with all convenient speed be paid into the Bank of England, in the name and with the privity of the Accountant-General of the Court of Chancery, to be placed to his account there, ex parte the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, pursuant to the method prescribed by an Act passed in the twelfth year of the reign of his late Majesty King GEORGE the First, intituled, " An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, and likewise Indorsements on South

36.
Application of purchase-money when amounting to 200*l*.

Sea Bonds, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the twelfth year of the reign of King GEORGE the Second, intituled, 'An Act to empower the High Court of Chancery to lay out on proper Securities any Monies not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England, belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant-General of the said Court,' to the intent that such money shall be applied under the direction and with the approbation of the said Court, to be signified by an order made upon petition, to be preferred in a summary way, by the body or bodies, person or persons, who would have been entitled to the rents and profits of the said tenements or hereditaments in the purchase or redemption of the land-tax, or towards the discharge of any debt or debts, or such other incumbrances or any part thereof as the said Court shall authorize to be paid affecting the same tenements or hereditaments, or part or parts thereof, or share or shares, estate or estates, interest or interests therein, or charge or charges thereon, or affecting other tenements or hereditaments standing settled therewith, to the same or the like uses, trusts, intents or purposes; and where such money shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the said Court, in the purchase of other tenements or hereditaments, which shall be conveyed and settled to, for and upon such and the like uses, trusts, intents and purposes, and in the same manner as the hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the time of making such conveyance or settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such purchase shall be made, the said money shall by order of the said Court, upon application thereto, be invested by the said Accountant-General in his name, in the purchase of Three Pounds per Centum Consolidated, or Three Pounds per Centum Reduced Bank Annuities; and in the meantime and until the Bank Annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the dividends of the said Consolidated or Reduced Bank Annuities shall from time to time be paid by order of the said Court to the body or bodies, person or persons, who would for the time being have been entitled to the rents and profits of the tenements and hereditaments so hereby directed to be purchased, in case such purchase or settlement were made.

37.
When less than
200 £. and amount-
ing to 20 £.

Provided also, and be it Enacted, That if any money so agreed or assessed to be paid for any tenements or hereditaments, or part or parts thereof, or share or shares, estate or estates, interest or interests therein, or charge or charges thereon, purchased, taken or used for the

the purposes aforesaid, belonging to any corporation or to any person or persons under disability or incapacity as aforesaid, shall be less than the sum of Two hundred Pounds, and shall amount to or exceed the sum of Twenty Pounds, then and in any such cases the same shall, at the option of the body or bodies, person or persons, for the time being entitled to the rents and profits of the hereditaments, or parts, shares, estates, interests or charges so purchased, taken or used, or of his, her or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified in writing under their respective hands, be paid into the Bank of England, in the name and with the privity of the said Accountant-General of the Court of Chancery, and to be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like option to Two or more trustees, to be nominated by the body or bodies, person or persons making such option, and approved of by the said Commissioners, such nomination and approbation to be signified in writing under the hands and seals of the nominating and approving parties, in order that such principal money and the dividends arising thereon may be applied in manner hereinbefore directed, so far as the case may be applicable, without obtaining or being required to obtain the direction or approbation of the said Court of Chancery.

Provided always, and be it Enacted, That where such money so agreed or assessed to be paid as hereinbefore mentioned shall be less than Twenty Pounds, then and in all such cases the same shall be applied to the use of the body or bodies, person or persons, who would for the time being have been entitled to the rents and profits of the hereditaments, parts, shares, estates, interests and charges so purchased, taken or used for the purposes of this Act, in such manner as the said Commissioners shall think fit, or in case of the infancy or lunacy of such person or persons, then such money shall be paid to his, her or their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

And be it Enacted, That in case the body or bodies, person or persons, to whom any sum or sums of money shall be agreed to be paid, or shall be awarded by any referee or referees, or umpire, or by any jury or juries, for the purchase of any tenements or hereditaments, or any parts, shares, estates or interests therein, or charged thereon, to be purchased, taken or used by virtue of this Act, shall not be able to make a good title to the premises to the satisfaction of the said Commissioners, or shall refuse to execute a conveyance or assignment thereof, or in case the person or persons to whom such sum or sums of money shall be so agreed or awarded to be paid as aforesaid cannot

38.
Where less than
20l.

39.
In cases of not
making out titles,
&c., purchase-money
to be paid into the
Bank.

be found, or if the person or persons entitled to such tenements or hereditaments, parts, shares, estates, interests or charges, be not known or discovered, then and in every such case it shall be lawful for the said Commissioners to pay the said sum or sums of money so awarded or agreed to be paid as aforesaid into the Bank of England, in the name and with the privity of the Accountant-General of the said Court of Chancery, to be placed to his account to the credit of the party or parties, if known, who shall be interested in the said tenements or hereditaments, parts, shares, estates, interests or charges (describing such tenements or hereditaments); but if such party or parties shall not be known, then to the credit of the said Commissioners, subject to the order, control or disposition of the said Court of Chancery, which said Court, on the application of any body or bodies, person or persons, making claim to any such sum or sums of money, or any part thereof, by motion or petition, shall be and the same is hereby empowered in a summary way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public funds, or to order distribution thereof, or payment of the dividends thereof, according to the respective estate or estates, title or interest of the body or bodies, person or persons, making claim thereunto, and to make such other order in the premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of England who shall receive such sum or sums of money is and are hereby required to give a receipt or receipts for such sum or sums of money, mentioning and specifying for what the same is or are received, to such person or persons as shall pay any such sum or sums of money into the Bank as aforesaid.

40.
Persons in possession shall be deemed entitled until the contrary be shown.

And be it Enacted, That where any question shall arise touching the title of any body or bodies, person or persons, to any money to be paid into the Bank of England, in the name and with the privity of the Accountant-General of the said Court of Chancery, in pursuance of this Act, for the purchase of any tenements or hereditaments, or part or parts thereof, or of any estate, right, title, charge or interest in, to or upon any tenements or hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such money, or to the dividends of any such Bank Annuities, the body or bodies, person or persons, who shall have been in possession of such tenements or hereditaments, parts, shares, estates, interests or charges, at the time of such purchase, and all body or bodies, person or persons, claiming under such body or bodies, person or persons, or under the possession of such body or bodies, person or persons, shall be deemed and be taken to have been lawfully entitled to such tenements and hereditaments, parts, shares, estates, interests or charges, according to such possession, until the contrary shall be shown to the satisfaction of the said Court

Court of Chancery ; and the dividends or interest of the Bank Annuities to be purchased with such money, and also the capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made to appear to the said Court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such tenements or hereditaments, or part or parts thereof, or to some estate or interest therein or charge thereon.

And be it Enacted, That where, by reason of any disability or incapacity of the body or bodies, trustee or trustees, corporation or other person or persons entitled to any tenements or hereditaments, or part or parts thereof, or share or shares, estate or estates, interest or interests therein, or charge or charges thereon, to be purchased or taken under the authority of this Act, the purchase-money for the same shall be required to be paid into the Bank of England in the name and with the privity of the Accountant-General of the Court of Chancery, and to be applied in the purchase of other tenements or hereditaments to be settled to the like uses in pursuance of this Act, it shall be lawful for the said Court to order the expenses of all purchases from time to time to be made in pursuance of this Act, or so much of such expenses as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from time to time pay such sum or sums of money out of the monies applicable to the purposes of this Act, as the said Court shall direct.

41.
Court may order expenses of purchase to be paid by Commissioners.

And be it Enacted, That where the money awarded to be paid for any tenements or hereditaments which shall be taken for the purposes of this Act, shall be paid into the Bank of England in manner hereinbefore directed, in consequence of a good title not having been made to such tenements or hereditaments to the satisfaction of the said Commissioners, or any person or persons authorized by them, by reason of the same tenements or hereditaments respectively being subject, together with other hereditaments not required for the purposes of this Act, to a rent payable to some body or bodies politic, corporate or collegiate, person or persons unable or unwilling to release therefrom the tenements or hereditaments so to be taken, then and in every or any such case, the tenements or hereditaments for the value of which the money to be paid into the Bank, together with the money (if any) to be retained for costs and charges under the authority of this Act, shall be assessed and awarded to be paid, shall be and are hereby released and for ever discharged from such rent, and all claims and demands in respect thereof; and the money to be paid into the Bank of England shall be laid out and invested under the direction and with the approbation of the said Court of Chancery, to be signified by an order made upon a petition to be pre-

42.
When lands required are subject with other lands to any rent, the money paid into the Bank to be laid out in the purchase of other estates in lieu of the lands required.

ferred in a summary way by the body or bodies, person or persons, who would have been entitled to the rents and profits of the tenements and hereditaments for the value of which such money respectively shall have been paid as aforesaid, in the purchase of other tenements or hereditaments, which shall be conveyed and settled (subject together with such other tenements or hereditaments to such rent) to the like uses, trusts, intents and purposes, and in the same manner as the tenements or hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the mean time, and until such purchase shall be made, the said money shall, by order of the said Court, upon application thereto, be invested by the Accountant-General of the said Court, in his name, in the purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities; and in the mean time, and until the Bank Annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the dividends and annual produce of the said Bank Annuities shall from time to time be paid by order of the said Court to the body or bodies, person or persons, who would for the time being have been entitled to the rents and profits of the said tenements or hereditaments hereby directed to be purchased in case such purchase and settlement were made; and the tenements or hereditaments so to be purchased and settled shall be subject to the rent to which the same shall be declared as aforesaid in the conveyance and settlement thereof to be subject, in the same manner to all intents and purposes as the tenements or hereditaments taken or to be taken for the purposes of this Act as aforesaid were subject thereto; and the body or bodies, person or persons, to whom such rent shall be payable, shall have such and the same powers and remedies for enforcing the payment thereof, or of any part thereof, out of or upon the tenements or hereditaments to be comprised in such conveyance and settlement, and declared to be subject thereto, as they, he or she would have been entitled to if such rent had originally been reserved out of or charged upon the same, instead of the tenements or hereditaments to be taken for the purposes of this Act, and in the same manner to all intents and purposes as such rent was reserved out of or charged upon such last-mentioned tenements or hereditaments, together with the other tenements or hereditaments subject thereto; and in the meantime, and until such purchase shall be made, it shall be lawful for the said Court of Chancery, if the said Court shall think proper, upon application thereto, to order any part of the dividends and annual produce of the Bank Annuities in which the said last-mentioned money shall be invested to be paid from time to time to the body or bodies, person or persons, for the time being entitled to the said rent, in discharge thereof, or part thereof, as the case may be.

And

43.
Power to purchase
release of incum-
brances and to
apportion the same.

And be it Enacted, That where any tenements or hereditaments purchased or intended to be purchased by the said Commissioners, shall be subject, solely or jointly with other tenements or hereditaments not intended to be purchased, to or with any rent-service, rent-charge, or chief-rent or other rent-payment or incumbrance, it shall be lawful for the said Commissioners to agree for the release of the tenements or hereditaments so purchased or intended to be purchased from such rent-payment or incumbrance, and also (where necessary or convenient) for any apportionment of such rent-payment or incumbrance for such gross sum as shall be agreed upon between the said Commissioners and the party who, under the provisions of this Act, shall agree to sell or apportion the same, and which agreement may be entered into by all persons and corporations by this Act authorized and empowered to sell or convey tenements or hereditaments; and the monies to be paid shall be paid and applied in manner hereinbefore directed with regard to the purchase-monies on the sale of tenements or hereditaments; and in case any difference shall arise respecting the value of such rent-payment or incumbrance, or respecting the apportionment thereof, the same shall be determined by a jury, if required, in like manner as the price of tenements or hereditaments is by this Act directed to be settled in case of dispute as to the value thereof; which jury shall assess and determine the value of the rent-payment or incumbrance affecting the tenements or hereditaments purchased or intended to be purchased, and shall also (where necessary or convenient) apportion the rent-payment or incumbrance affecting the tenements or hereditaments jointly subject to the rent-payment or incumbrance as hereinbefore mentioned, according to the respective values of the tenements or hereditaments purchased or intended to be purchased, and of the tenements or hereditaments not purchased or intended to be purchased by the said Commissioners; and all contracts, conveyances and assurances which shall be made by and between or to the said Commissioners and any such party as aforesaid, respecting such releases, shall be valid and effectual in the law, and shall extinguish the whole or a proportionate part of such rent-payment or incumbrance (as the case may be): Provided always, That where the party entitled to such rent-payment or incumbrance shall consider the remaining part of the tenements or hereditaments so jointly subject to be a sufficient security for such rent-payment or incumbrance, and shall be willing to release the tenements or hereditaments so purchased by the said Commissioners therefrom, then and in such case it shall be lawful for the party entitled by this Act, or capacitated, to apportion such rent-payment or incumbrance, or to release the tenements or hereditaments so purchased therefrom (with the consent of the owner of the tenements or hereditaments so purchased, and also of the owner of the tenements or hereditaments so jointly subject as aforesaid), to release the tenements or hereditaments

ments so purchased as aforesaid from the rent-payment or incumbrance so affecting the same as aforesaid jointly with other tenements or hereditaments, on condition or in consideration of such other tenements or hereditaments continuing or remaining wholly and exclusively subject to the whole of such rent-payment or incumbrance, 5 and thereupon such other tenements or hereditaments shall in all respects continue so liable, and as if no part of the hereditaments charged had been released: Provided also, That when any of the tenements or hereditaments purchased by the said Commissioners shall be released from a part only of any rent-payment or incumbrance 10 affecting the same jointly with other tenements or hereditaments not purchased by the said Commissioners, such last-mentioned tenements or hereditaments shall be charged only with the remainder of such rent-payment or incumbrance, and such apportionment shall not prejudice the title to the remaining rent, or the remedies for such 15 remainder, but the same shall at all times thereafter remain as effectual as if the tenements or hereditaments not so purchased had been originally charged with that amount only: Provided also, That when a part of any rent-payment or incumbrance shall be released, it shall be lawful for the said Commissioners, on tender for that purpose of any 20 deed or instrument creating or transferring the remainder of such rent-payment or incumbrance, to endorse a memorandum on such deed or instrument, declaring what part of the tenements or hereditaments originally subject to such rent-payment or incumbrance shall have been purchased by virtue of this Act, and what proportion of the said 25 rent-payment or incumbrance shall have been released, and also declaring the amount of the rent-payment or incumbrance which shall continue payable; and such memorandum shall be evidence in all courts of the facts therein stated, but shall not exclude any other evidence of the same facts. 30

44.
Rents reserved in
leases to be apportioned.

And be it Enacted, That in all cases in which a part only of any tenements or hereditaments comprised in any lease or agreement for a lease for a term of years unexpired, or for a life or lives, or for a term determinable on a life or lives, shall be required for the purposes of this Act, the rent payable in respect of any tenements 35 or hereditaments comprised in such lease or agreement for lease shall be apportioned between the tenements or hereditaments required for the purposes of this Act and the residue of such tenements and hereditaments; and such apportionment shall, in case the same shall not be agreed upon between the parties, be settled by the 40 verdict of a jury, if required, in like manner as the price of any tenements or hereditaments to be taken in pursuance of this Act is directed to be settled in case of dispute as to the value thereof; and in case such apportionment shall be settled by agreement between the parties, such agreement shall be made with, and shall not be valid without, the

the consent of the lessor from whom such tenements or hereditaments are holden or agreed to be holden ; and any person hereby capacitated to sell, who shall be a lessor, shall be capacitated to assent and to bind the property in respect of such assent ; and after such apportionment, the tenant or lessee of the tenements or hereditaments comprised in such lease or agreement for lease shall, as to all future accruing rent, be liable only to so much of the rent reserved in such lease or agreement for lease as shall have been apportioned in respect of the tenements or hereditaments not required for the purposes of this Act ; and the lessor of the said tenements or hereditaments shall have all such and the same remedies for the recovery of the rent so apportioned in respect of the tenements or hereditaments not required for the purposes of this Act, as before such apportionment he had or was entitled to in respect of the rent reserved or agreed to be reserved in such lease or agreement for lease ; and such apportionment shall not prejudice or affect any of the covenants, conditions or agreements in such lease or agreement for lease contained, so far as the same relate to the tenements or hereditaments comprised in such lease or agreement for lease, and not required for the purposes of this Act ; but the same shall, as to such last-mentioned tenements or hereditaments, but not further or otherwise, continue in full force and operation.

And be it Enacted, That all bodies politic, corporate and collegiate, trustee and trustees, and all other persons having any mortgage on any tenements or hereditaments which shall be required to be taken for the purposes of this Act (and whether entitled thereto in their own right, or in trust for any body or bodies, person or persons, and whether in possession of such tenements or hereditaments by virtue of such mortgage or not, and whether such mortgage shall affect such tenements or hereditaments solely or jointly with any other tenements or hereditaments which shall not be so required), shall on payment or tender by the said Commissioners, or by any person by them authorized, of the principal money and interest secured by or due on such mortgage, and whether such principal money shall under the terms of such mortgage be then actually payable or not, and the just costs (if any) then due, together with the amount of Six calendar Months' interest on the said principal money (which tender and payment the said Commissioners are hereby authorized to make, and to deduct the same from any sum agreed or directed to be paid for the estate or interest of the party or parties entitled to the equity of redemption of and in the tenements or hereditaments so mortgaged, in case the same shall be sufficient for the purpose), immediately convey, assign and transfer the respective interests of such mortgagees in the tenements or hereditaments which shall be so required to The QUEEN's most Excellent Majesty, Her heirs and

45.
Mortgages upon
tender made by the
Commissioners shall
convey their respec-
tive interests.

successors, or to such person as the said Commissioners shall appoint
 in trust for Her Majesty ; or in case such mortgagees shall have notice
 in writing from the said Commissioners or from the party or parties
 entitled to the equity of redemption of and in the same tenements or
 hereditaments, that they will pay off the principal money and interest 5
 which shall be due on such mortgage at the end of Six or any less num-
 ber of calendar Months, to be computed from the day of giving such
 notice, then at the end of such Six or less number of calendar
 Months, on payment or tender by the said Commissioners of the prin-
 cipal money and interest which would become due at the end of Six 10
 calendar Months from the time of giving such notice, together with any
 just costs then due, such mortgagees shall convey, assign and transfer
 their respective interests in the tenements or hereditaments which
 shall be so required for the purposes of this Act to The QUEEN's most
 Excellent Majesty, Her heirs and successors, or as the said Commis- 15
 sioners shall direct ; and in case such mortgagees shall refuse to convey,
 assign or transfer as aforesaid, on such payment or tender respectively
 as aforesaid, then on payment of such money, interest and costs into
 the Bank of England as hereinafter mentioned, all interest on every
 such mortgage debt, and all claim and right of every such mort- 20
 gagee thereto, shall thenceforth cease and determine : Provided always,
 That in case any such mortgagee shall in either of the cases aforesaid
 neglect or refuse to convey, assign or transfer as aforesaid, then upon
 payment of the principal money and interest, and the costs (if any)
 due on any such mortgage as aforesaid, into the Bank of England, at 25
 or at the end of Six calendar Months from the day of giving such notice
 as aforesaid, or as soon after as possible, or in lieu of such notice,
 and in addition to the said other monies, of Six calendar Months'
 interest in advance for the use of such mortgagee, at any time after
 tender of the principal, interest and costs, and Six calendar Months' 30
 interest in advance as aforesaid, the Cashier or Cashiers of the said
 Bank to whom such money shall be paid, shall give a receipt for the
 said money, in like manner as is by this Act directed in cases of other
 payments into the said Bank ; and thereupon or upon such conveyance,
 assignment or transfer by any such mortgagee as aforesaid, all the 35
 estate, right, title, interest, use, trust, property, claim and demand of
 such mortgagee, and of all persons in trust for him or for whom he
 shall be trustee, shall vest in The QUEEN's most Excellent Majesty,
 Her heirs and successors, who shall be deemed to be in actual posses-
 sion of the premises and estate comprised in such mortgage, or so 40
 much thereof as shall be required for the purpose of this Act, to all
 intents and purposes whatsoever.

46.

As to cases where
 mortgage-money is
 more than the value
 of the premises, or

And be it Enacted, That in all cases in which any tenements or
 hereditaments subject to any mortgage shall be required for the
 purpose of this Act, which tenements or hereditaments shall be of less
 value

value than the principal monies, interest and costs secured thereon, or in which a part only of the tenements or hereditaments subject to any mortgage shall be required for the purposes of this Act, and such part shall be of less value than the principal monies, interest and costs secured on such tenements or hereditaments, and the mortgagee or mortgagees thereof shall not consider the remaining part of such tenements or hereditaments to be a sufficient security for the money charged thereon, or shall not be willing to release the part required for the purposes of this Act from the principal or mortgage money, and all interest due and to become due thereon, and all costs, the value of such tenements or hereditaments, or, as the case may be, of such part of the said tenements or hereditaments as shall be so required for the purposes aforesaid, and also the compensation (if any) for any damage done in respect of the parts so required, shall be settled and agreed upon by and between such mortgagee or mortgagees and the body or bodies politic, corporate or collegiate, trustee or trustees, person or persons, entitled to the equity of redemption of such tenements or hereditaments, whether absolutely or for such estate as might capacitate him, her or them to convey for the purposes of this Act on the one part, and the said Commissioners on the other part; and in case of any difference between them, then such value and compensation shall be determined by the verdict of a jury in the same manner as in other cases of difference; and the amount of such value and compensation, being so agreed upon or determined as aforesaid, shall be paid to such mortgagee or mortgagees in satisfaction of his, her or their claim, so far as the same will extend; and such mortgagee or mortgagees shall thereupon convey, assign and transfer all his, her or their interest in such mortgaged tenements or hereditaments, the value whereof shall so have been agreed upon or determined as aforesaid; or in case of his, her or their neglecting or refusing to convey, assign or transfer as hereinbefore directed, then the amount of such value and compensation shall be paid into the Bank of England to the credit of the said mortgagee or mortgagees, as by this Act is provided in cases of the like nature; and such payment to the mortgagee or mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the claim of such mortgagee or mortgagees, so far as the same will extend, and also in full discharge and exoneration of such part of the mortgaged premises as shall be so taken or used from all principal and interest and other money due or secured thereon; and thereupon such mortgaged tenements or hereditaments shall become absolutely vested in The QUEEN's most Excellent Majesty, Her heirs and successors, who shall be deemed to be in the actual possession thereof, to all intents and purposes whatsoever: Provided nevertheless, That all mortgagees shall have the same powers and remedies for recovering or compelling payment of their mortgage money, or the residue thereof (as the case may be), or the

in which a part only of the premises is required.

interest thereof respectively, upon and out of the residue of the mortgaged tenements or hereditaments not required for the purposes aforesaid, as they would have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the tenements or hereditaments originally comprised in such mortgage: Provided also, That where a part only of the tenements or hereditaments (subject to any mortgage) shall have been taken for the purposes of this Act, and the value of the tenements or hereditaments so taken shall, on the assignment or conveyance thereof to Her Majesty, Her heirs and successors, have been paid to the mortgagee or mortgagees thereof in part satisfaction of his, her or their mortgage debt, a memorandum of what shall have been so paid shall be indorsed on the deed creating such mortgage at the time of executing such assignment or conveyance to Her Majesty, and shall be signed by such mortgagee or mortgagees; and a copy of such memorandum shall at the same time (if required) be furnished by the said Commissioners to the person or persons so entitled as aforesaid to the equity of redemption of the tenements or hereditaments comprised in such mortgage deed.

47.
Tenants at will or
from year to year to
quit after notice.

And be it Enacted, That every tenant at will or lessee for a year, or any other person or persons in possession of any tenements or hereditaments, or any part thereof, which shall be purchased by virtue of this Act, who shall have no greater interest in the premises than as tenant at will or lessee for a year or from year to year, shall at the end of Six calendar Months next after notice in writing, signed by the said Commissioners, shall have been given to him, her or them, or left at the premises which are the subject of such notice, and whether such notice be given with reference to the time or times of such tenants' holding or not, quit and relinquish the said premises unto the said Commissioners, or to such person or persons as shall be by them authorized to receive possession thereof; and in case any such lessee shall be compelled to quit before the expiration of his or her term or interest in any such premises, then and in such case the said Commissioners shall give satisfaction and compensation for the loss or damage which he or she shall sustain thereby; and in case of any difference as to the amount of such satisfaction or compensation, the same shall be settled and ascertained by a jury in the same manner as the sums of money to be paid for the purchase of any tenements or hereditaments are hereinbefore directed to be ascertained; or if the said Commissioners and the other parties in difference shall agree thereto, the same may be settled by a reference to the award of arbitrators to be chosen by the parties in difference; and that all and every person and persons, bodies politic, corporate, collegiate or ecclesiastical, corporations aggregate or sole, in possession of any tenements or hereditaments, or any part of any tenements or hereditaments, which

which may be purchased in pursuance of this Act, shall, upon payment or tender as aforesaid of such recompense or satisfaction for any of his, her or their term, estate or interest in the premises as shall be mutually agreed upon, or as shall be mutually ascertained and awarded
 5 by any referee or referees or umpire, or by verdict or inquisition of a jury, in manner aforesaid, quit and relinquish the said premises so in their respective possessions unto the said Commissioners, or to such person or persons as shall be by them authorized to receive possession of the same, and all the leases, demises, contracts and agree-
 10 ments whatsoever, under or by virtue whereof any such person or persons shall hold the said premises, shall at and from the end and expiration of such Six calendar Months, or upon such payment or tender as aforesaid, be absolutely void and of none effect as against Her Majesty and the said Commissioners; and if any such tenant at will,
 15 or lessee, or other person or persons, bodies politic, corporate, collegiate or ecclesiastical, corporations aggregate or sole, as aforesaid, shall refuse or neglect to deliver up the premises in his, her or their possession at the expiration of such Six calendar Months, or upon such payment or tender as aforesaid, it shall be lawful for any Justice
 20 of the Peace for the said county of Berks or the said county of Buckingham (as the case may be) to issue his precept or warrant to the constables of such county for the time being, or any of them, or to any person or persons to be by such Justice appointed a constable or constables for that especial purpose, commanding and requiring such
 25 constable or constables, or any of them, to cause possession of the said premises to be taken and afterwards delivered to such person or persons as shall in such precept or warrant be nominated to receive the same on behalf of Her Majesty; and the said constables and every of them are and is thereupon hereby authorized and required to
 30 cause such possession to be taken and delivered accordingly: Provided always, That nothing in this Act contained shall prevent or restrain the said Commissioners, whenever they may deem it just and reasonable so to do, from granting compensation to any tenant at will for giving up the possession of premises, under or by virtue of this Act, in any
 35 case where special injury shall be proved to their satisfaction.

And be it Enacted, That all persons hereby capacitated to sell, and who may not agree with the said Commissioners as to the price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any person or persons to ascertain the amount to be
 40 paid, and every such agreement shall be in all respects binding and effectual.

48.
Persons capacitated to sell may agree with Commissioners to refer the same to arbitration.

And be it Enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to pull down or cause to be pulled down all houses and other erections and buildings which shall

49.
Power to clear the ground and sell old materials.

Monies arising from
sale to be applied to
the purposes of this
Act.

be purchased by virtue of this Act, or such of them or such part thereof as they shall think proper to be pulled down, and also to pull down and remove, or cause to be pulled down and removed; Datchet Bridge aforesaid, and to level and clear the sites thereof respectively, in such manner as they shall think proper, and to sell or cause to be sold the materials of the said houses, erections, bridge and buildings ; and the monies to be produced by the sale thereof, after deducting the expenses of pulling down such houses, bridge and buildings respectively, and of such sale or sales, and also the rents and profits of any tenements or hereditaments to be purchased by virtue of this Act, until the same shall be pulled down, shall be applied towards the purposes of this Act. 5 10

50.
Materials vested in
Her Majesty.

And be it Enacted, That the right and property of all and every the stone, timber, iron-gates, bars, posts, rails, sheds, carts, engines, materials, implements, utensils and things whatsoever which may be erected and set up or provided by the said Commissioners for executing this Act, or by their order, or otherwise used by them for carrying the purposes of this Act into execution, and also any materials which formed part of Datchet Bridge, or of any buildings which may be pulled down by direction of the said Commissioners in pursuance of the powers of this Act, shall be vested in Her Majesty ; and the said Commissioners on behalf of Her Majesty are hereby empowered to dispose of and apply the same for the purposes of this Act, as they shall think fit. 15 20

51.

And be it Enacted, That it shall be lawful for the said Commissioners, if they think fit, with the consent and approbation of the Lord High Treasurer or the Commissioners for executing the office of Lord High Treasurer, or any Three of them, to compound and agree with any contractor for any penalty incurred by him for the breach or non-performance of any contract entered into in pursuance of this Act, for such sum of money as the said Commissioners shall think proper, not being less than the injury or damage sustained by the breach or non-performance of such contract, and all costs, charges or expenses which shall be occasioned thereby. 25 30

52.
Deeds, &c. not liable
to Stamp Duty.

And be it Enacted, That no contract, conveyance, lease, deed or other instrument which shall be made, granted or executed by the said Commissioners on behalf of Her Majesty for the purposes of this Act, nor any contracts or agreements, bonds or other securities, assignments, conveyances or other deed or instrument which shall be made, entered into or executed by any person or persons to or with the said Commissioners on behalf of Her Majesty, or otherwise for any of the purposes of this Act, shall be subject or liable to any Stamp Duty whatever 35 40

whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such instruments be specially subjected and specifically charged in and by such future Act.

5 And be it Enacted, That for the purpose of forming the intended roads and bridges, or either of them, it shall be lawful for the said Commissioners to excavate and deepen the bed of the River Thames, where it may be deepened without injury, and to take away and use any ballast, sand, gravel, earth or other materials which shall be raised from the bed of the river in executing any such works.

53.
Commissioners empowered to raise ballast, &c. from the bed of the River.

10 And be it Enacted, That if any person shall wilfully or maliciously damage or injure the said intended bridges or either of them, or shall wilfully and maliciously remove or take away any works thereunto belonging, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said bridges or either
15 of them, or the works thereof respectively may be damaged, every person so offending shall be adjudged guilty of Felony; and every such person so offending, and being thereof lawfully convicted, shall be subject to the like punishment and penalties as in cases of Felony; and the court by or before whom such person shall be tried and convicted
20 shall have power and authority to cause such person to be punished, in like manner as felons are directed to be punished by the laws and statutes of this realm, or in mitigation of such punishment such court may award such sentence as the law directs in cases of petty larceny.

54.
Punishment of persons guilty of wilful damage.

And be it Enacted, That in case any damage or mischief shall be
25 done to the said bridges or any of them, or to any of the works thereof respectively, by any lighter, barge, boat, float, raft or vessel, through the wilful negligence of any person having the command of any such lighter, barge, boat, float, raft or vessel, or any of the persons employed therein, then and in every such case the owner of such
30 lighter, barge, boat, float, raft or vessel shall be and is hereby made answerable for the amount or value of any such damage or mischief; and the same, provided it shall not exceed the sum of *Twenty Pounds*, (if not forthwith paid and satisfied) shall and may be recovered in such manner as the penalties and forfeitures hereby imposed are in and by
35 this Act directed to be recovered.

55.
Owners of vessels liable for damage done to the Bridges, &c.

And be it Enacted, That in case the owner of any such lighter, barge, boat, float, raft or vessel shall be compelled to pay any penalty or to make satisfaction for any damages by reason of any neglect or default done or committed by his servants or any of them, such servants, and each and every of them, shall be liable to pay such penalty or damages (with the costs thereof) to such owner, and in case of

56.
Masters to recover from their servants any damages paid for their neglect.

non-payment upon demand thereof, and oath made by such owner of the payment made by him of such penalty, satisfaction or damages, and that the same and the costs thereof have not been repaid to him by such servants or mariners or any of them, although demanded (such oath to be made before any one or more Justice or Justices of the Peace of the county or place where such penalty or satisfaction shall have been recovered), the amount thereof, provided the same shall not exceed the sum of *Twenty Pounds*, shall be recovered in the same manner as any penalty is hereby directed to be recovered. 5

57.
Penalty for obstructions to passengers.

And be it Enacted, That if any person shall wilfully occasion any obstruction, annoyance or hindrance of any description of passengers on or along the said bridges respectively, he shall forfeit and pay for every such offence any sum not exceeding *Five Pounds*, and shall also make satisfaction to the party injured for the damage so done as aforesaid, which satisfaction shall be received as part of and in the same way as the said penalty is by this Act authorized to be recovered; and if any such injury as aforesaid shall be done negligently or by accident, the person doing or causing the same shall make satisfaction to the party injured, which shall and may be recovered in the same manner as penalties are by this Act directed to be recovered. 10 15 20

58.
Damages and charges in case of dispute to be settled by Two Justices.

And be it Enacted, That in all cases wherein damages or charges in respect of acts or offences done or committed upon or relating to the said bridges or either of them, are by this Act directed or authorized to be paid, and the manner of ascertaining the amount thereof is not specified or provided for, such amount, in case of non-payment thereof, or of any dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace of the county of Berks or of the county of Buckingham (such Justices not being interested in the matters in question), and where by this Act any damages or charges are directed to be paid in addition to any penalty for any offence, the amount of such damages and charges, in case of non-payment thereof, or of any dispute respecting the same, shall be settled and determined by the Justices, by or before whom any offender shall be convicted of such offence; and such Justices respectively are hereby authorized and required, on non-payment of the damages in any of the cases aforesaid, to levy such damages and charges by distress and sale of the offenders' goods and chattels, in manner by this Act directed for levying of any penalties or forfeiture. 25 30 35

59.
Recovery and application of penalties.

And be it Enacted, That all penalties and forfeitures inflicted or imposed by this Act (the manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of non-payment thereof, be recovered in a summary way by the order and adjudication 40

cation of some Two or more Justices of the Peace for the said county of Berks or for the said county of Buckingham, on complaint to them for that purpose made, and afterwards be levied, as well as the costs, if any, of such proceedings, on non-payment, by distress and sale of the goods and chattels of the respective offenders or persons liable to pay the same, by warrant under the hands and seals of such Justices; and the overplus, if any, of the money so raised or recovered, after discharging such penalty or forfeiture, and the costs and expenses as aforesaid, shall be returned on demand to the party whose goods and chattels shall be distrained; all which penalties and forfeitures not herein directed to be otherwise applied, shall be paid One-half to the informer, and the remainder to Her Majesty, Her heirs and successors; and in case such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the offender so convicted to be detained in safe custody, until return can be conveniently made to such warrant of distress, unless such offender shall give sufficient security to the satisfaction of such Justices for his appearance before such Justices or before some other Justices of the Peace having jurisdiction, at such time as shall be appointed for the return of such warrant of distress, such time not being more than Three Days from the taking of such security, and which security any of the said Justices are hereby empowered to take by way of recognizance or otherwise; but in case upon return of such warrant it shall appear that no sufficient distress could be had whereupon to levy the said penalties or forfeitures and such costs and expenses as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justices, upon the confession of the offender or otherwise, that he hath not sufficient goods and chattels whereupon such penalties, forfeitures, costs and expenses could be levied if a warrant of distress should be issued (in which last-mentioned case such Justices shall not be required to issue such warrant of distress), then and in either of such cases such Justices are hereby required, by warrant under their hands and seals, to commit such offender to some common gaol or house of correction for the county or place within their jurisdiction, there to remain for any time not exceeding *Three* calendar Months, or until such penalty or forfeiture shall be sooner paid and satisfied, together with all costs and charges attending such proceedings as aforesaid, to be ascertained by such Justices, or until such offender shall otherwise be discharged by due course of law.

And be it Enacted, That in all cases in which by this Act any penalty or forfeiture is made recoverable by information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom any complaint shall be made for any offence committed

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against

60.
Justices may proceed by summons in the recovery of Penalties.

against this Act to summon before him the party complained against, and on such summons to hear and determine the matter of such complaint, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed in the recovery of the same, although no information in writing or in print shall have been exhibited before such Justice ; and all such proceedings by summons without information in writing or in print shall be as valid and effectual to all intents and purposes as if an information in writing or in print had been exhibited.

61.
For securing
offenders whose
names and resi-
dences are unknown.

And be it Enacted, That it shall be lawful for any officer or agent
of the said Commissioners, and all such persons as he shall call to his
assistance, to seize and detain any person whose name and residence
shall be unknown to such officer or agent, and who shall commit any
offence against this Act, and to convey him before some Justice of the
Peace for the said county of Berks or the said county of Buckingham,
without any other warrant or authority than this Act, and such Justice
is hereby empowered and required to proceed immediately to the hear-
ing and determining of the complaint.

62.

Forms of Information and Conviction.

And be it Enacted, That all Justices of the Peace before whom any person shall be informed against or convicted, for or in respect of any offence against this Act, may cause the information (whenever an information shall be taken in writing or in print) and the conviction respectively, to be drawn up according to the following forms, or any other forms to the same effect, as the case may require ; (that is to say)

Information.

to wit. } "BE it Remembered, That on the _____ day of
A. B., of _____, informeth us, C. D.
and E. F., two of Her Majesty's Justices of the Peace for the
county of _____, that G. H., of _____ [here describe the
offence, and the time and place when and where committed], 30
contrary to an Act passed in the tenth and eleventh years of
the reign of Her Majesty Queen VICTORIA, intituled [here
insert the title of this Act], which hath imposed a forfeiture
of _____ for the said offence. Taken the _____ day
of _____, before us, _____ 35
"C. D.
"E. F."

Conviction.

to wit. } "BE it Remembered, That on the _____ day of _____, in the year of our Lord _____, G. H. is convicted before us, C. D. and E. F., two of Her Majesty's Justices of the Peace for the county of _____, [here describe the offence, and the time and place when and where committed], contrary to an Act passed in the tenth and _____ eleventh _____

eleventh years of the reign of Her Majesty Queen VICTORIA,
intituled [here insert the title of this Act]. Given under our
hands and seals the day and year first above written.

"C. D.
"E. F."

5

And be it Enacted, That in all cases in which Justices of the Peace
are authorized by this Act to examine any person, or to take cogni-
zance of, or to hear or determine any matter of complaint, it shall be
lawful for such Justices, and they are hereby required to administer
10 an oath, or to receive the affirmation of any person, before such persons
shall be examined by or before such Justices.

63.

Power to Justices to
administer oaths.

And be it Enacted, That if any person who shall be summoned as
a witness to attend and give evidence before any Justices of the Peace,
touching any matter or fact contained or involved in, or affecting any
15 information or complaint for any offence committed against this Act,
either on the part of the prosecutor or on the part of the party sum-
moned or accused, shall refuse to be examined upon oath, or in the
case of a Quaker or Separatist on affirmation, to give evidence before
such Justices, then and in either of the said cases every such person
20 shall forfeit and pay any sum not exceeding *Five Pounds* for every
such offence.

64.

Penalty on wit-
nesses refusing to
attend and give
evidence.

And be it Enacted, That the said Commissioners, and all other
corporations and persons who may think themselves aggrieved by any
order, judgment or determination of any Justices of the Peace relating
25 to any matter or thing in this Act mentioned or contained, may,
within Four calendar Months next after such order, judgment or
determination shall have been made or given, appeal to the Justices
of the Peace at any General or Quarter Sessions as follows; (that is
to say), as regards any order, judgment or determination of any
30 Justices of the Peace for the said county of Berks, to the General or
Quarter Sessions to be held for the said county of Berks, and as
regards any order, judgment or determination of any Justices of the
Peace for the said county of Buckingham, to the General or Quarter
Sessions to be held for the said county of Buckingham, first giving
35 Ten Days' notice in writing of such intention to appeal, and of the
grounds and nature thereof, to the party against whom such complaint
is intended to be made; and forthwith after such notice, in the case of
an individual appealing, entering into recognizance before some
Justice of the Peace, with Two sufficient sureties conditioned to try
40 such appeal, and to abide the order and award of the said Court
thereon; and the same Justices shall in a summary way either hear
and determine the said complaint at such General or Quarter Sessions,

65.

Persons aggrieved
may appeal to
Quarter Sessions.

403.

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or,

or, if they think proper, adjourn the hearing thereof to the following General or Quarter Sessions of the Peace, and may, if they see cause, mitigate or release any penalty or forfeiture, and may order any money to be returned which shall have been levied in pursuance of such order or determination ; and may also order any such further satisfaction to be made to the party injured as they shall judge reasonable ; and may also order such costs to be paid to the party aggrieved by the party aggressing as they shall think reasonable. 5

66.

Declaring what shall be good service of notice on the Commissioners.

And be it Enacted, That in all cases in which it may be necessary for any person or corporation to serve any summons or demand, or any notice, or any proceeding at law or in equity, upon the said Commissioners, leaving the same at the office of the said Commissioners, shall be deemed good and sufficient service of the same respectively on the said Commissioners. 10

67.

Declaring what shall be good service by the Commissioners.

And be it Enacted, That in all cases in which it may be necessary for the said Commissioners to serve any summons or demand, or any notice or other proceeding at law or in equity, upon any person or corporation, under the provisions of this Act, personal service thereof respectively upon such person, or upon some member, or upon the clerk or any other officer of such corporation, or delivering the same to some inmate of the last or usual place of abode of such person, or of such member, clerk or other officer, shall be deemed good and sufficient service of the same respectively, upon such person or corporation (as the case may be) : Provided always, That every summons, demand or notice, or other document requiring authentication by the said Commissioners, may be signed by any Two of the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings. 15 20 25

68.

Distress not unlawful for want of form.

And be it Enacted, That where any distress shall be made for any money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant, distress or other proceeding relating thereto ; nor shall such party be deemed a trespasser ab initio on account of any irregularity which shall be afterwards committed by him ; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage by an action upon the case. 30 35

69.

Proceedings not to be quashed for want of form.

And be it Enacted, That no proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of form, or be removed by certiorari, or by any other writ or proceeding whatsoever, into any of Her Majesty's Courts of Record at Westminster or elsewhere, any law or statute to the contrary notwithstanding. 40

And

And be it Enacted, That all persons who, upon any examination to be taken by virtue of this Act, shall wilfully and corruptly give false evidence or otherwise forswear themselves before any jury, or before any Justice of the Peace acting as such in the execution of this Act, shall and may be prosecuted for the same, and upon conviction thereof shall be subject and liable to such and the same pains and penalties as persons guilty of wilful and corrupt Perjury are by the laws in being subject and liable to.

70.
Persons giving false
evidence guilty of
Perjury.

Provided always, and be it Enacted, That no plaintiff or plaintiffs shall recover in any action to be commenced against any person or persons for anything done in pursuance of this Act, unless notice in writing shall have been given to the defendant or defendants, or left at his, her or their last or usual place or places of abode *Twenty-one* Days before such action shall be commenced, of such intended action, signed by the attorney for the plaintiff or plaintiffs, specifying the cause of such action; nor shall the plaintiff or plaintiffs recover if tender of good and sufficient amends shall have been made to him, her or them, or his, her or their attornies, by or on behalf of the defendant or defendants before such action brought; nor if such tender of amends shall be made at any time after such action brought, and before the trial thereof, with costs of suit to the time of such last-mentioned tender; but on proof of such tender, on any trial to be had in such action, the plaintiff or plaintiffs shall be nonsuited, and shall pay full costs, to be recovered in the same manner as any defendant or defendants may recover costs in any other case by law; or in case no tender shall have been made, it shall be lawful for the defendant or defendants in any such action, by leave of the court wherein any such action shall depend, at any time before issue joined, to pay into court such sum of money as he, she or they shall think fit, whereupon such proceedings, order and judgment shall be had, made and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

71.
Plaintiff not to
recover without
notice or after
tender of amends.

Provided always, and be it Enacted, That no action or suit shall be brought or prosecuted against the Commissioners for executing this Act, or against any other person or persons, body or bodies politic, corporate or collegiate, for any thing done in pursuance of this Act, after *Three* calendar Months next after the fact committed, or in case there shall be a continuation of damages, then after *Three* calendar Months next after the doing or committing such damage shall have ceased, and not afterwards; and every such action or suit shall be laid and brought in the liberty or county where the matter in dispute shall arise, and not elsewhere, and the defendant or defendants in every such action or suit shall and may at his or their election

72.
Limitations of
Actions.

plead specially, or plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act ; and if it shall appear to have been so done, or if any such action or suit shall have been brought after *Twenty-one Days'* notice shall have been given, or after asufficient satisfaction made or tendered as aforesaid, or shall be brought in any other county or place than as aforesaid, then and in every such case the jury or juries shall find for the defendant or defendants. 5

73.
Saving the Rights of
Her Majesty, &c.

And be it Enacted, That nothing contained in this Act shall be deemed or construed to extend either directly or by implication or otherwise to prejudice or affect any right of property or title belonging to Her Majesty, Her heirs or successors, or to prejudice, diminish, alter or take away any of the rights, privileges, powers or authorities vested in or enjoyed by Her Majesty, Her heirs or successors. 10 15

74.
Receipts of Two of
the Commissioners
of Woods, &c. to be
discharges.

And be it Enacted, That receipts in writing, signed by any *Two* of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, for any monies payable to the said Commissioners under or by virtue of this Act, shall be good and sufficient discharges to the person or persons paying the same. 20

75.
Commissioners
exempted from per-
sonal responsibility
in discharge of their
duties under this
Act.

And be it Enacted, That nothing in this Act, or in any conveyance, contract, lease, or other deed or instrument hereby authorized to be entered into or made by the said Commissioners, shall extend to charge the person or persons of all or any of the Commissioners executing any such conveyance, contract, lease or other deed or instrument, or the heirs, executors or administrators of the same Commissioners, or any of them, or any of their own proper lands, tenements, goods or chattels, with or for the performance of all or any of the covenants, conditions or agreements in the same conveyance, contract, lease or other deed or instrument contained, on the part of the same Commissioners or any of them ; but the amount of all costs, charges, damages or expenses, which shall or may be recovered in any suit or suits at law or in equity against them the said Commissioners, or any of them, or against their or any of their heirs, executors or administrators, for or by reason or means of any such conveyance, contract, lease, or other deed or instrument, or the covenants, conditions or agreements therein contained, and also all the costs, charges and expenses which the said Commissioners shall bear, pay, expend or be put to, or which shall be occasioned to them for or by reason or means of any such conveyance, contract, lease or other deed or instrument, or any covenant, condition or agreement therein contained, or any 25 30 35

any action or actions, suit or suits, to be brought or prosecuted by or against them or any of them thereupon shall respectively be paid and discharged by and out of the monies applicable to the purposes of this Act.

- 5 And be it Enacted, That this Act shall be deemed to be a Public ^{76.} Public Act.
Act; and shall be judicially taken notice of as such by all Judges,
Justices and others.

THE SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS, OR REPUTED OWNERS.	LESSEES, OR REPUTED LESSEES.	OCCUPIERS.
<i>The Parish of New Windsor, in the County of Berks.</i>				
1	Public highway called Sheet-street.	The Commissioners for the better paving, lighting, cleansing and watching the Streets and Lanes in the Parish and Borough of New Windsor.		
2	Pasture - - -	The Crown - - -	- - -	Francis Woolhouse, William Weston.
3	Long Walk - - -	The Crown.		Charles Seward Cantrell, the younger.
4	Meadow - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
5	Meadow - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
6	Meadow - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
7	Arable - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
8	Arable - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
9	The Bourne Ditch -	The Crown.		Charles Seward Cantrell, the younger.
14	Plantation - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
15	Arable - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
16	Pasture and ditch -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
17	Arable - - -	The Crown - - -	- - -	Charles Seward Cantrell, the younger.
18	Pasture and towing-path.	The Crown, the Navigation Commissioners of the Rivers Thames and Isis.	- - -	Charles Seward Cantrell, the younger, the Navigation Commissioners of the Rivers Thames and Isis.
19	Waste and ditch -	The Crown - - -	- - -	John Thomas Gough.
20	Public highway called Datchet-road.	The Crown.		
21	Pasture - - -	The Crown - - -	- - -	John Thomas Gough.
22	The bed of the River Thames.	The Crown, the Earl of Harewood, the Provost and College Royal of the Blessed Mary at Eton, the Navigation Commissioners of the Rivers Thames and Isis.	- - -	The Navigation Commissioners of the Rivers Thames and Isis, the Provost and College Royal of the Blessed Mary at Eton, and the public.
75	Datchet Bridge -	The Magistrates of Berks, George Bowes Morland, Clerk of the Peace for Berks.		
76	Tenement called the Angel and Crown public-house.	The Crown - - -	- - -	John Willer.
77	Garden between Datchet-road and the Park wall.	The Crown - - -	- - -	John Willer.
78	Towing-path - - -	The Crown, the Navigation Commissioners of the Rivers Thames and Isis.	- - -	The Navigation Commissioners of the Rivers Thames and Isis, and the public.
79	Public highway called Datchet-lane.	The Crown, the Commissioners for the better paving, cleansing, lighting and watching the Streets and Lanes in the Parish and Borough of New Windsor.		

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS, OR REPUTED OWNERS.	LESSEES, OR REPUTED LESSEES.	OCCUPIERS.
<i>The Parish of New Windsor, in the County of Berks—continued.</i>				
80	Pasture - - -	The Crown - - - - -	- - - - -	John Thomas Gough.
81	Pasture - - -	The Crown - - - - -	- - - - -	Robert Richard Tighe.
83	Park wall - - -	The Crown and the Dean and Canons of Windsor.	- - - - -	The Crown and the Dean and Canons of Windsor.
84	Garden, bank, walls and steps.	The Dean and Canons of Windsor -	- - - - -	The Dean and Canons of Windsor.
85	Pasture land, stables, harness-house and passage.	The Crown - - - - -	- - - - -	The Crown.
86	Plantation or Slope -	The Crown - - - - -	- - - - -	The Crown.
87	Stables, coach-houses, yard and shed.	The Dean and Canons of Windsor -	- - - - -	The Dean and Canons of Windsor.
88	Open space or way -	The Crown and the Dean and Canons of Windsor.	- - - - -	The Crown and the Dean and Canons of Windsor.
89	Tenement, 71, Thames-street.	The Dean and Canons of Windsor -	- - - - -	William Miller.
90	The Hundred Steps and walls.	The Crown.	- - - - -	
91	Tenement and garden, 72, Thames-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	- - - - -	Catherine Hopgood.
92	Tenement and garden, 73, Thames-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	- - - - -	John Curtis.
93	Tenement, 74, Thames-street, the Crispin public-house.	John Deacon - - - - -	- - - - -	William Bayliss.
94	Tenement and garden, 75, Thames-street.	John Kimball - - - - -	Henry Hale - - -	Henry Hale.
95	Tenement and garden, 76, Thames-street.	John Kimball - - - - -	Henry Hale - - -	John Powell.
96	Tenement and garden, 77, Thames-street.	George Gray Coules - - - -	John Bryant and George Pooley.	George William Chapman, Samuel Turrill.
97	Tenement and stable, 78, Thames-street.	George Gray Coules - - - -	John Bryant and George Pooley.	John Bryant and George Pooley.
98	Ice-house and entrance, back of No. 78, Thames-street.	George Gray Coules - - - -	John Bryant and George Pooley.	William Knock.
99	Tenements, 79 and 80, Thames-street.	Charles Phillips - - - - -	George Gray Coules	George Gray Coules.
100	Vacant ground -	The Crown.	- - - - -	
101	Tenement and garden, 86, Thames-street.	The Provost and College Royal of the Blessed Mary at Eton.	George Gray Coules, Walter Palmer.	Walter Palmer.
102	Tenements and garden, 87, Thames-street.	Henry Lawrence - - - - -	Robert Sidwell -	Robert Sidwell.
103	Tenements and garden, 88, Thames-street.	John Secker - - - - -	- - - - -	Empty.
104	Tenement and garden, 89, Thames-street.	James Darling - - - - -	- - - - -	James Flemming.
105	Tenements and garden, 90, Thames-street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills and Joseph Sidenham.	- - - - -	Joseph Pearce.
106	Tenements and garden, 91, Thames-street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills and Joseph Sidenham.	- - - - -	John Sharratt.
107	Vacant ground -	The Crown.	- - - - -	
108	Tenements and garden, 100, Thames-street.	The Crown - - - - -	- - - - -	Charles George Sharpley.
109	Tenements and garden, 101, Thames-street.	The Crown - - - - -	- - - - -	George Wright.
110	Tenements and garden, sheds and yard, 102, Thames-street.	The Crown - - - - -	Frederick King Copeland.	Frederick King Copeland.
111	Tenements and garden, 103, Thames-street.	The Crown - - - - -	- - - - -	Mary Ann Kelly, William Miller.
112	Tenements and garden, 104, Thames-street.	The Crown.	- - - - -	

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS, OR REPUTED OWNERS.	LESSEES, OR REPUTED LESSEES.	OCCUPIERS.
<i>The Parish of New Windsor, in the County of Berks—continued.</i>				
113	Vacant ground -	The Crown.		
114	Tenements and garden, 106, Thames-street.	The Crown - - - - -	- - - - -	Henry Waters Ellis.
115	Tenements and garden, 107, Thames-street.	Thomas Witts Walford, William Burr.		
116	Tenements and garden, 108, Thames-street.	Thomas Witts Walford, William Burr.	- - - - -	Thomas Large.
117	Tenements and garden, 109, Thames-street.	The Crown.		
118	Vacant ground -	The Crown.		
119	Tenements and garden, 111, Thames-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	The Crown.	
120	Tenements and garden, 112, Thames-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	The Crown.	
121	Tenement and garden, 113, Thames-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	The Crown.	
122	Tenement and garden, 88, High-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	The Crown.	
123	Tenement and garden, 39, High-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	The Crown - - -	John Lovegrove.
124	Tenement and garden, 40, High-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	James Alder - - -	James Alder, Charles Alder.
125	Tenements and garden, 41, High-street.	George Duncan, Jane Duncan and Elizabeth Eglestone.	William Brown Holderness.	Adolphus Frederick Millns.
126	Tenements and garden, 42, High-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	John Cox, Thomas Clark.	John William Stevens Potter.
127	Tenements and garden, 43, High-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	James Church, Thomas Wooldridge.	Thomas Wooldridge.
128	Ground or moat and iron railing.	The Crown - - - - -	- - - - -	The Crown.
129	The public highway, called High-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - - - -	The Commissioners for the better paving, lighting, cleansing and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the public.
130	The public highway, called Thames-street.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - - - -	The Commissioners for the better paving, lighting, cleansing and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the public.
132	Public highway -	The Crown; the Commissioners for the better paving, cleansing, lighting and watching the Streets and Lanes in the Parish and Borough of New Windsor.		
133	Tenements and garden, called Waterloo-gate Cottage.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	The Crown - - -	Charles William Marr.
134	Tenements and garden, called the Windsor Castle Beer-house.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	Thomas Ashby, Charles Ashby, Frederick Ashby, Morris Ashby.	William Dean.
135	Tenements, sheds, stables and yard, called the Hope Inn.	John Deacon - - - - -	- - - - -	Charles James Byles.
136	Tenement, garden and sheds.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	George Gray Coules	Henry Pickman.
137	Tenement and garden, 2, Hope Cottages.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	George Gray Coules	Allan Ogg.
138	Tenement and garden, 3, Hope Cottages.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	George Gray Coules	William Sharratt.

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS, OR REPUTED OWNERS.	LESSEES, OR REPUTED LESSEES.	OCCUPIERS.
<i>The Parish of New Windsor, in the County of Berks—continued.</i>				
139	Footway to Hope Cottages.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	George Gray Coules	George Gray Coules, Henry Pickman, Allan Ogg and William Sharratt.
140	Public footway to the Long Walk from Frogmore-road.	The Crown.		
141	Garden - - -	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	John Tull - - -	John Tull.
142	Tenement and garden, called the Lammas Cottage.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	William Seabrook.
143	Tenement and garden, called Rose Cottage.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	Mary Rowley.
144	Tenement and garden, sheds and stable.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	John Caley - - -	John Caley.
145	Carriage entrance to Shaw Farm.	The Crown - - - -	- - - -	Charles Seward Cantrell, the younger.
146	Tenement and garden, 1, Park-place.	William Liverd - - - -	- - - -	Thomas Cobden.
147	Tenement and garden, 2, Park-place.	William Liverd - - - -	- - - -	Mary Doddmede.
148	Tenement and garden, 3, Park-place.	William Liverd - - - -	- - - -	Joseph Eastgate.
149	Tenement and garden, 4, Park-place.	William Liverd - - - -	- - - -	Jane Egerton.
150	Tenement and garden, 5, Park-place.	William Liverd - - - -	- - - -	Joseph Watson.
151	Shed - - -	William Liverd - - - -	- - - -	William Liverd.
152	Footpath to Park-place	William Liverd - - - -	- - - -	William Liverd, Thomas Cobden, Mary Doddmede, Joseph Eastgate, Jane Egerton, Joseph Watson.
153	Tenements and garden, 1, King's-road.	William Liverd - - - -	- - - -	William Liverd.
154	Tenements and garden, 2, King's-road.	William Liverd - - - -	- - - -	John Cantell.
155	Tenement and garden, 3, King's-road.	William Liverd - - - -	- - - -	Henry Gibbs.
156	Tenement and garden, 4, King's-road.	Henry Brown - - - -	- - - -	George Ogilvy.
157	Tenements and gardens, 5, King's-road.	Henry Brown - - - -	- - - -	Robert Logan.
158	Passage, yard, wash-house, sheds and dust-bin.	William Liverd - - - -	- - - -	William Liverd, Thomas Cobden, Mary Doddmede, Joseph Eastgate, Jane Egerton, Joseph Watson, John Cantell, Henry Gibbs, George Ogilby, Robert Logan.
159	Tenements, sheds and yard, called the Pheasant Beer-house.	Francis Woolhouse - - -	- - - -	Henry Woolhouse.
160	Sheds, and part of timber-yard.	Charles Seward Cantrell, senior -	- - - -	Francis Woolhouse and Henry Woolhouse.
161	Yard, sheds and tenements.	The Mayor, Aldermen and Burgesses of the Borough of New Windsor.	Charles Seward Cantrell, senior.	Francis Woolhouse and Henry Woolhouse.
162	The Magpie, stile and public footpath.	The Crown.		
163	Public footpath from Datchet-bridge, across the Home or Little Park, to Frogmore-road.	The Crown.		

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS, OR REPUTED OWNERS.	LESSEES, OR REPUTED LESSEES.	OCCUPIERS.
<i>The Parish of Old Windsor, in the County of Berks.</i>				
9	The Bourne Ditch -	The Crown.		
10	Arable - - -	The Crown - - - - -	- - - - -	Charles Seward Cantrell, the younger.
11	Pasture - - -	The Crown - - - - -	- - - - -	Charles Seward Cantrell, the younger.
12	Occupation-road -	The Crown - - - - -	- - - - -	Charles Seward Cantrell, the elder, Charles Seward Cantrell, the younger.
13	Public highway from New Windsor to Old Windsor.	The Surveyors of Highways for the Parish of Old Windsor.		

The Parish of Datchet, in the County of Buckingham.

23	The Bed of the River Thames.	The Crown, the Earl of Harewood, the Duke of Buccleugh, the Provost and College Royal of the Blessed Mary at Eton, the Commissioners of the Navigation of the Rivers Thames and Isis.		
24	Osier-beds or aite -	The Earl of Harewood - - -	- - - - -	Henry Newman.
25	Arable - - -	The Earl of Harewood - - -	- - - - -	William Statham.
26	Pasture - - -	The Earl of Harewood - - -	- - - - -	William Statham.
27	Arable and gravel-pit	The Earl of Harewood - - -	- - - - -	William Statham.
28	Pasture - - -	John Fowler - - - - -	- - - - -	John Fowler.
29	Pasture - - -	John Fowler - - - - -	- - - - -	John Fowler.
30	Pasture - - -	John Fowler - - - - -	- - - - -	John Fowler.
31	House, garden, stable, sheds, out-buildings, roadway, and Lodge Bridge and summer-house.	John Fowler - - - - -	- - - - -	John Fowler.
32	House, garden, stables, sheds, out-buildings, yard, roadway and lodge.	James Boykett Jarman - - -	- - - - -	James Boykett Jarman.
33	Tenement, garden and pasture.	James Boykett Jarman - - -	- - - - -	James Boykett Jarman.
34	Footpath - - -	The Earl of Harewood - - -	James Boykett Jarman, William Statham.	James Boykett Jarman.
35	Pasture - - -	The Earl of Harewood - - -	William Statham, James Boykett Jarman.	James Boykett Jarman.
36	Pasture - - -	The Earl of Harewood - - -	William Statham, James Boykett Jarman.	James Boykett Jarman.
37	Pasture - - -	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles.	James Pearce -	James Pearce.
38	Pasture - - -	The Churchwardens and Overseers of the Parish of Datchet.	George Cooper -	George Cooper.
39	Pasture - - -	The Trustees of Ralph Goodwin, deceased, James Willis Taylor, and others.	William Statham -	William Statham.
40	Pasture - - -	Haydock James Haydock - - -	James William West	James William West.
41	Pasture - - -	James Boykett Jarman - - -	- - - - -	James Boykett Jarman.
42	Pasture - - -	The Earl of Harewood - - -	- - - - -	Henry Newman, James Boykett Jarman.
43	Osier-beds and aite -	The Duke of Buccleugh - - -	- - - - -	Henry Newman.
44	Stream or fishery -	The Duke of Buccleugh - - -	- - - - -	Henry Newman.

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS, OR REPUTED OWNERS.	LESSEES, OR REPUTED LESSEES.	OCCUPIERS.
<i>The Parish of Datchet, in the County of Buckingham—continued.</i>				
45	Pasture - - -	The Duke of Buccleugh - - -	- - - -	Henry Newman.
46	Pasture - - -	George Ingall - - -	- - - -	James William West.
47	Arable - - -	John Willis Goodwin - - -	- - - -	Ralph Willis Goodwin.
48	Tenement and garden	John Willis Goodwin - - -	- - - -	James Aslin.
49	Pasture - - -	The Earl of Harewood - - -	John Willis Goodwin, Ralph Willis Goodwin.	Ralph Willis Goodwin.
50	Pasture and landing-place.	Duke of Buccleugh - - -	John Deacon -	John Lipscombe.
51	Public footpath -	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles.		
52	Public footpath -	The Surveyors of the Highways of the Parish of Datchet.		
53	Tenement, garden and premises.	Haydock James Haydock - - -	Mary Ann Sturgess	Mary Ann Sturgess.
54	Landing-place - -	The Surveyors of the Highways of the Parish of Datchet.		
55	Tenements, garden, and out-buildings, stables, yard and premises.	Haydock James Haydock - - -	James William West	James William West.
56	Garden - - -	George Cooper - - -	- - - -	George Cooper.
57	Dwelling-house, tenement, yard, malt-houses, sheds and outbuildings.	George Cooper - - -	- - - -	George Cooper.
58	Garden, tenement and sheds.	George Cooper - - -	- - - -	George Cooper.
59	Dwelling-house, tenement, garden, sheds and outbuildings.	Duke of Buccleugh - - -	- - - -	Henry Newman.
60	Public footpath to Eton and Slough-road.	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles.		
61	Arable land, shed and garden.	Duke of Buccleugh - - -	- - - -	George Cooper.
62	Pasture, sheds and garden.	Duke of Buccleugh - - -	- - - -	Henry Newman.
63	Pasture - - -	Duke of Buccleugh - - -	- - - -	Henry Newman.
64	Stream or fishery -	The Earl of Harewood - - -	- - - -	Henry Newman.
65	Osier-bed or aite -	The Earl of Harewood - - -	- - - -	Henry Newman.
66	Pasture - - -	The Dean and Canons of the King's Free Chapel of St. George, within his Castle of Windsor.	Charles Steward, Reverend Russell Richards, John Thomas Stroud.	John Thomas Stroud.

No. on Plan.	DESCRIPTION OF PROPERTY.	OWNERS, OR REPUTED OWNERS.	LESSEES, OR REPUTED LESSEES.	OCCUPIERS.
<i>The Parish of Datchet, in the County of Buckingham—continued.</i>				
67	Arable - - -	The Dean and Canons of the King's Free Chapel of St. George, within his Castle of Windsor.	Charles Steward, Reverend Russell Richards, John Thomas Stroud.	John Thomas Stroud.
68	Pasture - - -	The Dean and Canons of the King's Free Chapel of St. George, within his Castle of Windsor.	Charles Steward, Reverend Russell Richards, John Thomas Stroud.	John Thomas Stroud.
69	Pasture - - -	The Dean and Canons of the King's Free Chapel of St. George, within his Castle of Windsor.	Charles Steward, Reverend Russell Richards, John Thomas Stroud.	John Thomas Stroud.
70	Tenement and garden	Charles Steward, Reverend Russell Richards.	- - - -	George Vincent.
71	Pasture - - -	The Dean and Canons of the King's Free Chapel of St. George, within his Castle of Windsor.	Charles Steward, Reverend Russell Richards, John Thomas Stroud.	John Thomas Stroud.
72	Arable - - -	The Dean and Canons of the King's Free Chapel of St. George, within his Castle of Windsor.	Charles Steward, Reverend Russell Richards, John Thomas Stroud.	John Thomas Stroud.
78	Pasture - - -	The Dean and Canons of the King's Free Chapel of St. George, within his Castle of Windsor.	Charles Steward, Reverend Russell Richards, John Thomas Stroud.	John Thomas Stroud.
74	Osier-beds - -	The Earl of Harewood - - -	- - - -	Henry Newman.
75a	Datchet Bridge -	The Magistrates of Bucks, Acton Tindal, Clerk of the Peace for Bucks.		

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*Windsor Castle and Town Approaches
Improvement and Removal of Datchet
Bridge.*

A

B I L L

To empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of Windsor.

*(Prepared and brought in by
Viscount Morpeth, Mr. Neville and
Colonel Reid.)*

*Ordered, by The House of Commons, to be Printed,
15 May 1847.*

[*Price 6d.*]

403.

Under 8 oz.

